

EXHIBIT 5

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

-----x
NIPPON SHINYAKU CO., LTD.,

Plaintiff,

-against- C.A. No:
21-1015 (GBW)

SAREPTA THERAPEUTICS, INC.,

Defendant.

-----x
SAREPTA THERAPEUTICS, INC. and
THE UNIVERSITY of WESTERN AUSTRALIA

Defendant/Counter-Plaintiffs,

V.

NIPPON SHINYAKU CO. LTD. and

NS PHARMA. INC.,

Plaintiff/Counter-Defendants.

-----x

VIDEOTAPED DEPOSITION of Non-Party Witness,
AMY MANDRAGOURAS, taken by the Plaintiff, pursuant to
Notice and Subpoena, held at law offices of Morgan Lewis
& Bockius LLP 1 Federal Street Boston Massachusetts
02110, on July 27, 2023, at 9:39 a.m., before a Notary
Public of the State of New York.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

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02110, on July 27, 2023, at 9:39 a.m., before a Notary
Public of the State of New York.

A P P E A R A N C E S:

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ALSO PRESENT:

GEOFFREY BASSETT-Videographer

NIPPON SHINYAKU -against- SAREPTA THERAPEUTICS
Amy Mandragouras July 27, 2023

Job AMG1093
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24			
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1 THE VIDEOGRAPHER: Good morning,
2 everyone. We are now on the record.

3 This is the videographer speaking,
4 Jeffery C. Bassett with AMG Reporting. Today's
5 date is July 27th, 2023, and the time is now
6 9:39 a.m. Eastern Standard Time. We're here at
7 Morgan Lewis at One Federal Street in Boston,
8 Massachusetts. We're here for the video
9 deposition of Amy Mandragouras in the matter of
10 Nippon Shinyaku Co. Limited, versus Sarepta
11 Therapeutics, Incorporated.

12 Will counsel please introduce
13 themselves for the record?

14 MS. LO: This is Shon Lo on behalf of
15 Nippon Shinyaku. And with me, I have my
16 colleague, Alison Patitucci.

17 MR. LIPSEY: Charles Lipsey, Finnegan
18 and Henderson, for defendant/counter-claimants,
19 Sarepta and University of Western Australia,
20 and for the witness in her capacity as former
21 outside counsel for Sarepta.

22 MR. SUMMER: And Ashley Summer of
23 Nelson Mullins law firm here representing the
24 witness in her personal capacity and as former
25 counsel of Nelson Mullins.

1	THE VIDEOGRAPHER: At this time, I	09:40:27
2	would hand it over to the court reporter,	09:40:30
3	Brooke Perry, to with swear in the witness.	09:40:32
4	A M Y M A N D R A G O U R A S, the witness herein,	
5	having been first duly sworn by a Notary Public of the	
6	State of New York, was examined and testified as	
7	follows:	
8	THE REPORTER: State your name for the	
9	record, please.	
10	THE WITNESS: Amy Mandragouras.	
11	THE REPORTER: State your address for	
12	the record, please.	
13	THE WITNESS: 2 Berry Patch Lane,	
14	Boxford, Massachusetts 01921.	09:36:50
15	EXAMINATION BY	09:36:50
16	MS. LO:	09:41:09
17	Q. Ms. Mandragouras, how long have you been a	09:41:09
18	patent attorney or agent?	09:41:13
19	A. I've been a patent attorney for over 30 years,	09:41:15
20	and an agent a couple of years before that.	09:41:18
21	Q. And you're currently a partner at the Cooley	09:41:22
22	law firm?	09:41:30
23	A. That's correct.	09:41:31
24	Q. When did you join Cooley?	09:41:31
25	A. Just over two years ago.	09:41:34

1	Q.	And before Cooley, you were at Nelson Mullins?	09:41:36
2	A.	Correct.	09:41:41
3	Q.	And how long were you at Nelson Mullins?	09:41:41
4	A.	10 years.	09:41:45
5	Q.	So is that about 2011 to 2021?	09:41:46
6	A.	2010 to 2021, so just, yeah, a little over 10	09:41:51
7		years.	09:41:56
8	Q.	And prior to Nelson Mullins, where were you?	09:41:56
9	A.	I was with Lahive & Cockfield from 2022 until	09:42:01
10		the combination with Nelson Mullins in 2010.	09:42:07
11	Q.	And was your position at Lahive & Cockfield	09:42:11
12		your first position out of law school?	09:42:15
13	A.	Correct, '92.	09:42:17
14	Q.	And where did you go do law school?	09:42:19
15	A.	Northeastern University School of Law.	09:42:22
16	Q.	When did you graduate?	09:42:26
17	A.	1992.	09:42:28
18	Q.	Other than a JD, do you hold any advanced	09:42:29
19		degrees?	09:42:34
20	A.	No.	09:42:35
21	Q.	Did you work as a patent agent at Lahive &	09:42:35
22		Cockfield?	09:42:40
23	A.	Yes.	09:42:40
24	Q.	Have you worked at any other law firms other	09:42:41
25		than the three that we discussed?	09:42:43

1	A.	Yes. The first law firm I started at when I	09:42:45
2		graduated was Hamilton, Brook, Smith & Reynolds in	09:42:49
3		Lexington, Mass.	09:42:54
4	Q.	And how long did you work there?	09:42:56
5	A.	1998 to 1990 -- they were co-op rotations with	09:42:57
6		Northeastern, so I went to co-op employers for -- during	09:43:05
7		law school.	09:43:07
8		MR. LIPSEY: I'm sorry. I thought I	09:43:07
9		heard you say 1998.	09:43:12
10		THE WITNESS: Oh, sorry 1988. I	09:43:15
11		apologize.	09:43:18
12	Q.	And you graduated?	09:43:18
13	A.	In '92 from law school.	09:43:21
14	Q.	Thank you. I know I asked you that already.	09:43:24
15		Where did you attend college?	09:43:26
16	A.	Bates College in Maine.	09:43:28
17	Q.	And what was your major?	09:43:29
18	A.	Biochemistry.	09:43:31
19	Q.	Have you ever been deposed before?	09:43:33
20	A.	No.	09:43:36
21	Q.	Have you ever testified at a trial or a	09:43:36
22		hearing?	09:43:40
23	A.	No.	09:43:41
24	Q.	Do you understand that you're testifying under	09:43:42
25		oath today as if you were testifying in court?	09:43:46

1	A.	Yes.	09:43:49
2	Q.	Let me know if you don't understand one of my	09:43:49
3		questions, and I'll try to restate it. Will you do	09:43:53
4		that?	09:43:56
5	A.	Yes.	09:43:56
6	Q.	Can I assume that if you answer my question,	09:43:57
7		that you understood it?	09:44:00
8	A.	Yes.	09:44:00
9	Q.	And will you answer my questions today to the	09:44:01
10		best of your ability?	09:44:03
11	A.	Yes.	09:44:05
12	Q.	So you will answer my questions without	09:44:05
13		withholding information unless you're instructed not to	09:44:10
14		answer on the basis of privilege?	09:44:15
15	A.	Correct.	09:44:16
16	Q.	Is there any reason you cannot testify	09:44:17
17		truthfully and completely today?	09:44:19
18	A.	No.	09:44:21
19	Q.	And do you understand that you're not allowed	09:44:22
20		to discuss the substance of your testimony with anyone	09:44:24
21		until the deposition is over?	09:44:27
22	A.	I do understand.	09:44:28
23	Q.	What, if anything, did you do to prepare for	09:44:29
24		this deposition?	09:44:32
25	A.	I met with my counsel present today.	09:44:33

1 support further the claims you presented in the Wilton
2 '851 patent?

3 MS. LO: Objection. Form.

4 A. Yes.

5 Q. Now, there's been a lot of talk here about
6 predictability. And I think you were asked in words or
7 substance if predictability could be relevant to both
8 the issue of obviousness under Section 103 and the issue
9 of written description support under Section 112.

10 Do you recall that generally?

11 MS. LO: Objection.

12 A. I do, although I recall it was with respect to
13 enablement, but the record will show whether it was
14 enablement and written description.

15 Q. Okay. But certainly you were asked whether it
16 was relevant to the adequacy of disclosure, correct?

17 MS. LO: Objection.

18 A. Yes.

19 Q. Now, when you're looking at the question of
20 predictability, in terms of the obviousness of a filed
21 patent application, at what point in time is the
22 predictability being evaluated?

23 A. So in an obviousness analysis under the Graham
24 factors, you analyze the scope and content of the prior
25 art, the differences in the claimed invention and the

1 level of ordinary skill at the time.

17:16:34

2 Q. So that focuses on predictability --

17:16:39

3 A. The predictability comes in, yes, at the time
4 of the cited art.

17:16:44

17:16:48

5 MS. LO: Objection. Sorry.

17:16:51

6 Q. And that does not include consideration of what
7 has been added to the art by the text of the patent
8 application that is being rejected under Section 103; is
9 that right?

17:16:54

17:16:58

17:17:02

17:17:07

10 MS. LO: Objection. Leading.

17:17:07

11 A. So the 103 analysis does not take into account
12 the rejected claims or the disclosure in the rejected
13 patent application. The 103 analysis focuses on the
14 determination of the scope and content of the prior art.

17:17:08

17:17:14

17:17:20

17:17:24

15 Q. And when you're evaluating predictability in
16 assessing the adequacy of the disclosure of a filed
17 patent application, does that analysis include what has
18 been added to the prior art by the text of the patent
19 application itself?

17:17:27

17:17:31

17:17:36

17:17:39

17:17:43

20 MS. LO: Objection. Form.

17:17:44

21 A. So the analysis of the written description
22 requirement under Ariad, as we just quoted, is a
23 determination of possession -- it's an objective inquiry
24 into the four corners of the specification, including
25 contributions to the field that are disclosed in the

17:17:45

17:17:48

17:17:53

17:17:59

17:18:04

1 patent specification from the perspective of the person 17:18:06
2 of ordinary skill in the art. 17:18:10

3 Q. Okay. Thank you. 17:18:12

4 We also had a lot of discussion about the duty 17:18:15
5 of disclosure. Do you remember that? 17:18:17

6 A. Yes. 17:18:20

7 Q. Sometimes called the duty of candor and good 17:18:21
8 faith, correct? 17:18:24

9 A. Correct. 17:18:25

10 Q. Did you attempt to comply with your duty of 17:18:25
11 candor and good faith in your activities in procuring 17:18:31
12 patents on the applications for Sarepta or UWA that you 17:18:35
13 worked on? 17:18:38

14 A. Yes. 17:18:39

15 Q. To the best of your knowledge, did you ever 17:18:39
16 knowingly fail to comply with that duty of candor and 17:18:43
17 good faith in that capacity? 17:18:49

18 MS. LO: Objection. 17:18:52

19 A. To the best of my knowledge, no. 17:18:53

20 Q. To the best of your knowledge, did anybody you 17:18:55
21 were working with intentionally fail to comply with 17:18:59
22 their duty of candor and good faith? 17:19:03

23 MS. LO: Objection to form. 17:19:06

24 A. To the best of my knowledge, no. 17:19:09

25 MR. LIPSEY: We have nothing further. 17:19:11

NIPPON SHINYAKU -against- SAREPTA THERAPEUTICS
Amy Mandragouras July 27, 2023

Job AMG1093
Page 200

C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF QUEENS)

I, BROOKE E. PERRY, a Notary Public
within and for the State of New York, do hereby
certify:

That AMY MANDRAGOURAS, the witness
whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a
true record of the testimony given by such
witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of July, 2023.

Brooke E. Perry

BROOKE E. PERRY

EXHIBIT 7

EXHIBIT 8



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Transcript of Shin'ichi Takeda

Date: August 7, 2023

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO.,)
LTD.,)
Plaintiff,)
vs.) C.A. No. 21-1015 (GBW)
SAREPTA THERAPEUTICS,)
INC.,)
Defendant.)

SAREPTA THERAPEUTICS,)
INC., and THE)
UNIVERSITY OF WESTERN)
AUSTRALIA,)
Defendant/)
Counter-)
Plaintiffs,)
vs.)
NIPPON SHINYAKU CO.,)
LTD., and NS PHARMA,)
INC.,)
Plaintiff/)
Counter-)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
SHIN'ICHI TAKEDA
(Volume I)

Taken August 7, 2023

9:08 a.m.

Chicago, Illinois

Job No.: 500683

Pages: 1 - 130

Reported By: Stephanie A. Battaglia, CSR, RMR

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

2

1 PRESENT:

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6 - and -

7 THE YOUNG CONWAY GROUP
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12 appeared on behalf of Plaintiffs
13 Nippon Shinyaku Co., Ltd., and
14 NS Pharma, Inc.;

15 FINNEGAN, HENDERSON, FARABOW, GARRETT
16 & DUNNER, LLP
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20 Washington, D.C. 20001-4413
21 (202) 408-4000
22 e-mail: william.raich@finnegan.com
23 yoonjin.lee@finnegan.com

24 appeared on behalf of Defendants
25 Sarepta Therapeutics, Inc.

ALSO PRESENT:

Ms. Mami Hino, AIK

Ms. Junko Y. Salmon
Interpreter

Ms. Yaejoon Watkins
Check Interpreter

Mr. Jean-Louis Ziesch, Videographer

Ms. Stephanie A. Battaglia, CSR, RMR, CRR

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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I N D E X

WITNESS:

PAGE:

Shin'ichi Takeda

EXAMINATION BY:

Mr. Raich

5

E X H I B I T S

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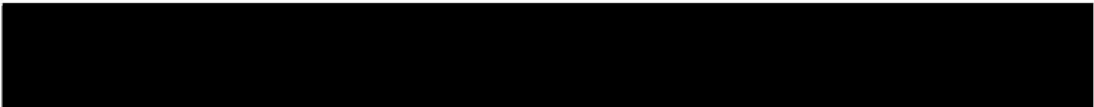
Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

4

1	THE VIDEOGRAPHER: It is the beginning of	
2	Media No. 1 of the videotaped deposition of Dr.	09:08:43
3	Takeda in the matter of Nippon Shinyaku, Ltd, et	09:08:48
4	al., versus Sarepta, et al., in the U.S. District	09:08:53
5	Court for the District of Delaware, Case No.	09:09:00
6	21-1015-MN.	09:09:05
7	Today's date is August 7, 2023. The time	09:09:08
8	on the video monitor is 9:08 a.m. central standard	09:09:12
9	time.	09:09:17
10	The certified videographer today is	09:09:18
11	Jean-Luis Ziesch representing Planet Depos.	09:09:21
12	This video deposition is taking place at	09:09:22
13	110 North Wacker Drive in Chicago, Illinois.	09:09:26
14	Would counsel please identify yourself and	09:09:29
15	state whom you represent.	09:09:31
16	MR. RAICH: Bill Raich of Finnegan for	09:09:32
17	Sarepta.	09:09:35
18	With me today is my colleague Yoonjin Lee,	09:09:37
19	also of Finnegan, for Sarepta.	09:09:40
20	MS. WILLIAMSON: Amanda Williamson for	09:09:42
21	Morgan Lewis for Nippon Shinyaku/NS Pharma, and	09:09:45
22	for the witness I have with me Mami Hino from AIK	09:09:49
23	and Robert Vrana from Young Conway.	09:09:54
24	THE VIDEOGRAPHER: The court reporter	09:09:58
25	today is Stephanie Battaglia representing	09:10:01

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

5

1	Planet Depos.	09:10:04
2	Would the court reporter please swear in	09:10:05
3	the interpreter.	09:10:06
4	MS. WILLIAMSON: I would like to add that	09:10:10
5	Mr. Vrana is representing the witness and NCNP.	09:10:12
6	(Ms. Junko Y. Salmon was sworn to	09:10:12
7	interpret from English to Japanese.)	09:10:12
8	(Ms. Yaejoong Watkins was sworn to act as	09:10:12
9	the check interpreter.)	09:10:33
10	THE VIDEOGRAPHER: Would the court	09:10:33
11	reporter please swear in the witness.	09:10:35
12	THE WITNESS: I swear that it will only be	09:10:57
13	the truth.	09:10:58
14	SHIN'ICHI TAKEDA,	
15	called as a witness herein, having been first duly	
16	sworn was examined and testified through a	
17	Japanese interpreter as follows:	
18	EXAMINATION	
19	BY MR. RAICH:	
20	Q Good morning, Dr. Takeda.	09:10:59
21	A Good morning.	09:11:01
22	Q Could you please state your full name and	09:11:02
23	address for the record.	09:11:04
24		09:11:06
25		09:11:44

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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1		09:11:56
2		09:12:06
3	Q Have you ever been deposed before?	09:12:06
4	A I do not have that experience.	09:12:09
5	Q Have you ever testified in court?	09:12:18
6	A I do not have that experience.	09:12:21
7	Q Before we start I'm going to discuss a few	09:12:29
8	rules for the deposition.	09:12:34
9	A Please do.	09:12:44
10	Q You understand that you are under oath	09:12:45
11	today?	09:12:46
12	A Yes, I do understand.	09:12:47
13	Q Throughout the deposition your counsel may	09:12:56
14	object to some of my questions. Unless you are	09:13:01
15	instructed not to answer do you understand that	09:13:13
16	you have to answer my question?	09:13:15
17	A I understand.	09:13:17
18	Q If you don't understand any of my	09:13:27
19	questions today please let me know and I will do	09:13:31
20	my best to clarify them.	09:13:33
21	A I understand.	09:13:36
22	Q If you answer my question I'm going to	09:13:47
23	assume that you understood the question, is that	09:13:51
24	fair?	09:13:53
25	A In principle -- basically that is okay.	09:13:53

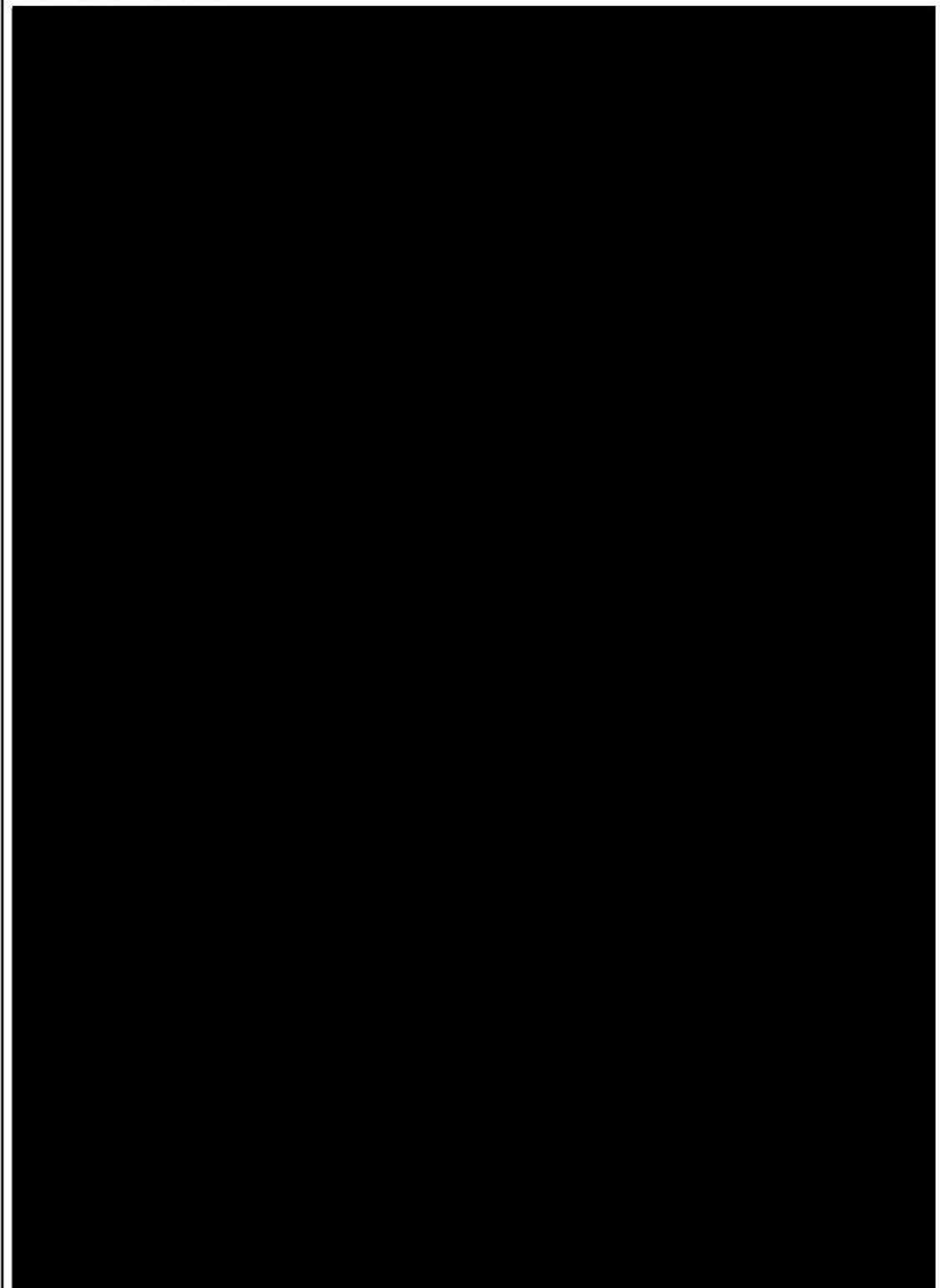
Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

7

1	Q We will plan to take breaks about every	09:14:09
2	hour or so.	09:14:13
3	A Understood.	09:14:22
4	Q If you need to take a break please let me	09:14:22
5	know. All I ask is if there is a question pending	09:14:26
6	that you provide an answer before we take a break.	09:14:30
7	Okay?	09:14:32
8	A Understood.	09:14:33
9	Q We have a court reporter who needs to	09:14:51
10	transcribe your answers so you need to give an	09:14:54
11	audible or spoken answer. Do you understand that?	09:14:57
12	A Yes, I understood.	09:14:59
13	Q We can help the court reporter by not	09:15:14
14	talking over one another, so if you let me finish	09:15:17
15	my questions before giving your answers I will	09:15:21
16	endeavor to let you give complete answers before	09:15:24
17	asking my next question. Understood?	09:15:28
18	A Understood.	09:15:30
19	Q Is there any reason that you are unable to	09:15:51
20	answer my questions truthfully and accurately	09:15:56
21	today?	09:15:58
22	A Nothing in particular.	09:15:58
23	Q Dr. Takeda, approximately how many	09:16:11
24	research articles have you published to date?	09:16:17
25	A About 300 in terms of English language	09:16:19

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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1	BY MR. RAICH:	15:30:16
2		15:30:17
3		15:30:19
4		15:30:35
5		15:30:40
6		15:31:03
7		15:31:03
8		15:31:10
9		15:31:14
10		15:31:19
11		15:31:20
12		15:32:14
13		15:32:17
14		15:32:43
15		15:33:03
16		15:33:07
17		15:33:08
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19		15:33:18
20		15:33:30
21		15:33:32
22		15:33:36
23		15:33:38
24		15:33:53
25	15:34:01	

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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1		15:34:08
2		15:34:11
3		15:34:12
4		15:34:32
5		15:34:39
6		15:34:42
7		15:34:44
8		15:35:15
9		15:35:18
10		15:35:21
11		15:35:21
12		15:35:27
13		15:35:38
14		15:35:38
15		15:35:51
16		15:36:05
17		15:36:06
18		15:36:09
19		15:36:10
20		15:36:33
21		15:36:38
22		15:36:45
23		15:36:49
24		15:36:50
25		15:37:16

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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1		15:37:20
2		15:37:25
3		15:37:47
4		15:37:52
5		15:37:54
6		15:38:02
7		15:38:07
8		15:38:07
9		15:38:28
10		15:38:30
11		15:38:55
12		15:38:57
13		15:39:05
14		15:39:06
15		15:39:13
16		15:39:14
17		15:39:47
18		15:39:50
19		15:39:53
20		15:39:58
21		15:39:59
22		15:40:02
23		15:40:06
24		15:40:16
25		15:40:23

Transcript of Shin'ichi Takeda
Conducted on August 7, 2023

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DUPAGE)


4 I, STEPHANIE A. BATTAGLIA, CSR and
5 Notary Public in and for the County of DuPage and
6 State of Illinois, do hereby certify that on
7 August 7, 2023, at 9:08 a.m., at 110 North Wacker
8 Drive, Chicago, Illinois, the deponent SHIN'ICHI
9 TAKEDA personally appeared before me.

10 I further certify that the said SHIN'ICHI
11 TAKEDA was by me first duly sworn to testify and
12 that the foregoing is a true record of the
13 testimony given by the witness.

14 I further certify that the deposition was
15 adjourned at 5:53 p.m; review was not requested.

16 I further certify that I am not counsel
17 for nor related to any of the parties herein, nor
18 am I interested in the outcome hereof.

19 In witness whereof, I have hereunto set
20 my hand and seal of office this 15th of August,
21 2023.

22 
Notary Public

23 CSR No. 084-003337 - Expiration Date: 5/31/2025
24
25

EXHIBIT 9



Planet Depos®
We Make It Happen™



Transcript of Naoki Watanabe, Ph.D.

Date: June 26, 2023

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----x

NIPPON SHINYAKU CO., LTD., :

Plaintiff, :

v. :

SAREPTA THERAPEUTICS, INC., :

Defendant. :

----- : C.A. No. 21-1015

SAREPTA THERAPEUTICS, INC. and :

THE UNIVERSITY OF WESTERN :

AUSTRALIA, :

Defendant/Counter-Plaintiffs, :

v. :

NIPPON SHINYAKU CO., LTD. and NS :

PHARMA, INC., :

Plaintiff/Counter-Defendants. :

-----x

Videotaped Deposition of NAOKI WATANABE, Ph.D.

Chicago, Illinois

Monday, June 26, 2023

9:05 a.m. CST

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

2

1 Job No.: 493013

2 Pages: 1 - 146

3 Reported Stenographically by:

4 Tiffany M. Pietrzyk, CSR RPR CRR

5
6
7 Videotaped deposition of NAOKI WATANABE,
8 Ph.D., held at the location of:

9
10 MORGAN, LEWIS & BOCKIUS LLP

11 110 North Wacker Drive

12 Chicago, Illinois 60601

13 312.324.1000
14
15
16

17 Pursuant to notice, before Tiffany M. Pietrzyk, a
18 Certified Shorthand Reporter in the States of
19 Illinois, Texas, and California, Registered
20 Professional Reporter, Certified Realtime Reporter,
21 and a Notary Public in and for the State of
22 Illinois.
23
24
25

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

3

A P P E A R A N C E S

ON BEHALF OF NIPPON SHINYAKU CO., LTD. and NS
PHARMA, INC.:

AMANDA S. WILLIAMSON, ESQUIRE

GUYLAINE HACHE, Ph.D., ESQUIRE

MORGAN, LEWIS & BOCKIUS LLP

110 North Wacker Drive

Chicago, Illinois 60606

312.324.1450

and

MAMI HINO, ESQUIRE

ABE, IKUBO & KATAYAMA

Fukuoka Buiolding, 8-7

Yaesu 2 Chome

Chuo-Ku, Tokyo 104-0028

81-3-3273-2600

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

4

1 A P P E A R A N C E S C O N T I N U E D
2 ON BEHALF OF SAREPTA THERAPEUTICS, INC. and THE
3 UNIVERSITY OF WESTERN AUSTRALIA:

4 WILLIAM B. RAICH, Ph.D., ESQUIRE

5 YOOJIN LEE, ESQUIRE

6 FINNEGAN, HENDERSON, FARABOW, GARRETT &
7 DUNNER, LLP

8 901 New York Avenue, NW

9 Washington, DC 20001

10 202.408.4000

11
12 ALSO PRESENT:

13 Marc D. Evans, JD (Sarepta)

14 Junko Y. Salmon (Interpreter)

15 Yumi Schweizer (Check Interpreter)

16 Gabriel Martin (Planet Depos Videographer)

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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C O N T E N T S

EXAMINATION OF NAOKI WATANABE, Ph.D.	PAGE
By Mr. Raich	17

E X H I B I T S

(Attached to transcript.)

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Exhibit 1	Lab notebook labeled [REDACTED] Bates numbers NS00074094 to 344	29
Exhibit 2	U.S. Patent 9,708,361, Bates number NS 1 to 66	38
Exhibit 2A	Japanese translation of U.S Patent 9,708,361 claims and certification	38
Exhibit 3	U.S. Patent 10,683,322, Bates number NS 408 to 476	38
Exhibit 3A	Japanese translation of U.S. Patent 10,683,322 claims and certification	39
Exhibit 4	International Patent Publication Number 2012/029986	39

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

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Exhibit 5  Bates numbers NS 63146 to 162	50
Exhibit 5A English translation of a presentation titled  NS 63146 to 162	50
Exhibit 6  Bates numbers NS 61245 to 246	54

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS

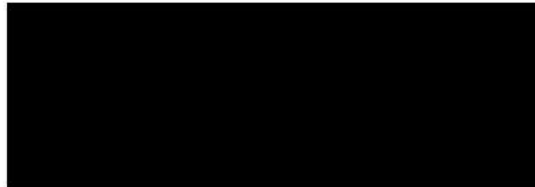
PAGE

Exhibit 6A English translation of 54



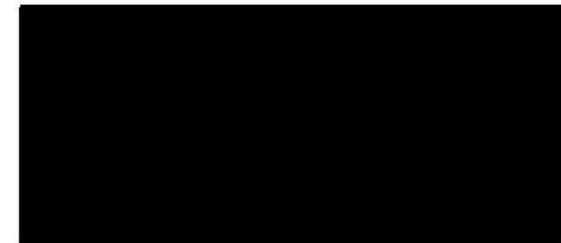
Bates numbers NS 61245 to
246

Exhibit 7 55



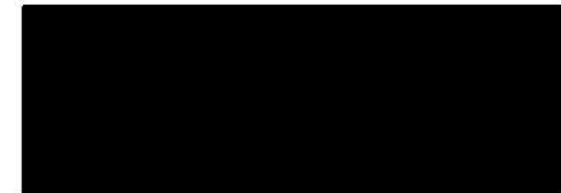
Bates numbers NS 61802 to
805

Exhibit 7A 55



Bates numbers NS 61802 to
805

Exhibit 8 59



Bates numbers NS 61806 to
807

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

8

E X H I B I T S (Cont.)

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807

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Exhibit 10

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Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

9

E X H I B I T S (Cont.)

DEPOSITION EXHIBITS

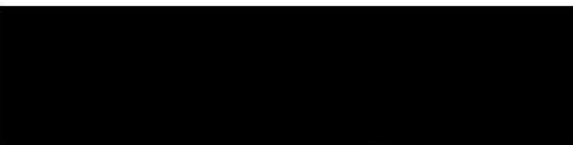
PAGE

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numbers NS 61271 to 272

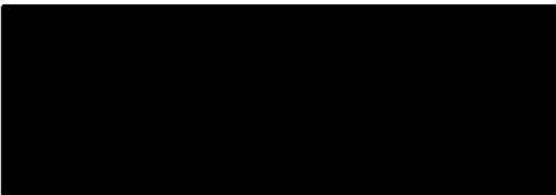
Exhibit 11 67



Bates

numbers NS 61427 to 428

Exhibit 11A English translation of 67



numbers NS 61427 to 428

Exhibit 12 69

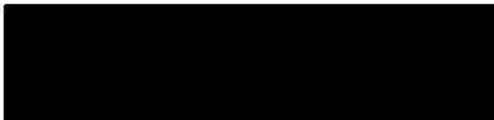


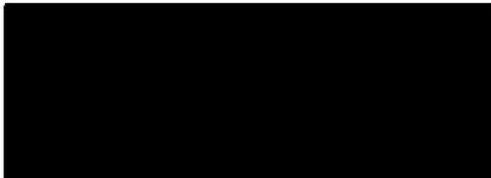
Exhibit 12A English translation of 69



Bates

numbers NS 61582 to 586

Exhibit 13 77



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Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

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Exhibit 14

Japanese Provisional

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Application Number

2010-196032

Exhibit 14A

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Japanese Provisional

Application Number

2010-196032

Exhibit 15

090513

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Bates numbers NS 61840 to

845

Exhibit 15A

English translation of

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090513

Bates numbers NS 61840 to

845

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

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Bates number NS 61035

Exhibit 16A

English translation of

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Bates number NS 61035

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104

number NS 61118

Exhibit 17A

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number NS 61118

Exhibit 18

090708

108

Bates numbers NS 61808 to

819

Exhibit 18A

English translation of

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090708

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Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

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2009, Bates number NS 60995

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NS 61119

Exhibit 21

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2009, Bates numbers

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Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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Exhibit 22 [REDACTED] 2009, Bates numbers NS 61116 to 117	122
Exhibit 22A English translation of [REDACTED] 2009, Bates numbers NS 61116 to 117	122
Exhibit 23 Lab notebook labeled [REDACTED] includes English translation, dated 4/2009, Bates numbers NS 66456 to 668	126

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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E X H I B I T S (Cont.)

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Exhibit 25

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Exhibit 26

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Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

15

E X H I B I T S (Cont.)

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Exhibit 26A English translation of 136



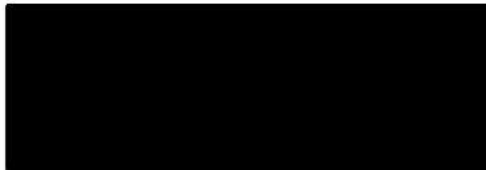
numbers NS 61188 to 89

Exhibit 27 137



numbers NS 61247 to 249

Exhibit 27A 138



Bates

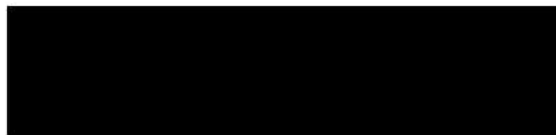
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Exhibit 28 142



numbers NS 63643 to 654

Exhibit 28A English translation of 142



numbers NS 63643 to 654

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

16

P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We are now
on the record. Here begins Media Number 1 in the
videotaped deposition of Naoki Watanabe, in the
matter of Nippon Shinyaku Co., Ltd., vs. Sarepta
Therapeutics, Inc., in the United States District
Court for the District of Delaware, Case Number
21-1015.

Today's date is June 26, 2023. And the time
on the video monitor is now 9:05 a.m. Central
Standard Time. The videographer today is Gabriel
Martin representing Planet Depos.

This video deposition is taking place at
Morgan Lewis Bockius LLP, 110 North Wacker Drive,
Chicago, Illinois.

For the record, will counsels please
voice-identify themselves and state whom they
represent, starting with the taking attorney.

MR. RAICH: Bill Raich of Finnegan, for
Sarepta Therapeutics. With me today is my colleague
Yoonjin Lee. Also present is Marc Evans of Sarepta.

MS. WILLIAMSON: Amanda Williamson from
Morgan Lewis, representing Nippon Shinyaku and NS
Pharma. I have with me my colleague Guylaine Hache,
also from Morgan Lewis, and Mami Hino from AIK.

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

17

1	THE VIDEOGRAPHER: Thank you. The court	09:06:19
2	reporter today is Tiffany Pietrzyk with Planet	09:06:19
3	Depos.	09:06:19
4	Will the reporter please swear in the	09:06:19
5	interpreters and the witness.	09:06:24
6	(Interpreters and Witness sworn.)	09:06:25
7	WHEREUPON:	09:06:25
8	NAOKI WATANABE, Ph.D.,	09:06:25
9	called as a witness herein, having been first duly	09:06:25
10	sworn, was examined and testified as follows:	09:06:25
11	EXAMINATION	09:07:03
12	BY MR. RAICH:	09:07:03
13	Q. Good morning, Mr. Watanabe. Could you	09:07:04
14	please state your full name and address for the	09:07:06
15	record?	09:07:07
16	A. I am Naoki Watanabe. [REDACTED]	09:07:07
17	[REDACTED]	09:07:42
18	[REDACTED]	09:07:52
19	Q. Have you ever been deposed before?	09:07:54
20	A. No.	09:08:03
21	Q. Have you ever testified in court?	09:08:04
22	A. No.	09:08:06
23	Q. Before we start, I'm going to go over a few	09:08:17
24	ground rules for the deposition.	09:08:20
25	You understand that you're under oath today?	09:08:27

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

18

1	A. Yes.	09:08:35
2	Q. Throughout the deposition, your counsel may	09:08:35
3	object to some of my questions. Unless you're	09:08:38
4	instructed to answer, you understand that you have	09:08:44
5	to answer my question?	09:08:46
6	CHECK INTERPRETER: Not.	09:09:09
7	INTERPRETER: He didn't say not.	09:09:11
8	BY MR. RAICH:	09:09:13
9	Q. Not to answer my questions. All right.	09:09:13
10	CHECK INTERPRETER: Just to clarify. Sorry.	09:09:16
11	INTERPRETER: I'm going to start all over	09:09:35
12	with my interpretation, translation.	09:09:37
13	A. Yes.	09:09:58
14	BY MR. RAICH:	09:09:58
15	Q. If you don't understand any of my questions	09:09:58
16	today, please let me know, and I'll do my best to	09:10:00
17	clarify them.	09:10:04
18	If you answer my question, I'm going to	09:10:16
19	assume that you understood the question. Is that	09:10:18
20	fair?	09:10:21
21	A. Yes.	09:10:31
22	Q. We'll plan to take breaks approximately	09:10:31
23	every hour or so. If you need to take a break at	09:10:34
24	any time, please let me know. All I ask is, if	09:10:45
25	there is a question pending, that you provide an	09:10:49

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

19

1	answer before we take a break. Understood?	09:10:51
2	A. Yes.	09:11:10
3	Q. We have a court reporter who needs to	09:11:15
4	transcribe your answers so you need to give an	09:11:17
5	audible answer. Understood?	09:11:19
6	A. Yes.	09:11:30
7	Q. We can help the court reporter by not	09:11:30
8	talking over one another. So if you let me finish	09:11:34
9	my question before giving your answer, I'll endeavor	09:11:37
10	to let you give complete answers before asking my	09:11:41
11	next question. Is that fair?	09:11:45
12	A. Yes.	09:12:08
13	Q. Is there any reason that you are unable to	09:12:08
14	answer my questions truthfully and accurately today?	09:12:13
15	A. No.	09:12:15
16	Q. Dr. Watanabe, do you understand that you're	09:12:28
17	here to testify today in your personal capacity as a	09:12:35
18	fact witness in the litigation between Nippon	09:12:39
19	Shinyaku versus Sarepta Therapeutics?	09:12:42
20	A. Yes.	09:13:01
21	Q. For today's deposition, I'll refer to Nippon	09:13:02
22	Shinyaku sometimes as NS. Will you understand what	09:13:06
23	I'm referring to?	09:13:09
24	A. Yes.	09:13:22
25	Q. I'll also refer to Sarepta Therapeutics as	09:13:23

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

38

1	as a clinical candidate?	10:14:05
2	A. I don't remember.	10:14:28
3	MR. RAICH: Let's go ahead and take a break.	10:14:32
4	THE VIDEOGRAPHER: We are going off the	10:14:35
5	record at 10:14 a.m.	10:14:37
6	(A short break was had.)	10:14:38
7	THE VIDEOGRAPHER: We are back on the record	10:33:54
8	at 10:34 a.m.	10:34:01
9	MR. RAICH: I'm gonna mark three exhibits.	10:34:04
10	The first is Watanabe Exhibit 2. It's U.S. patent	10:34:08
11	number 9,708,361 and bears Bates numbers NS 1	10:34:13
12	through 66. We've also included a Japanese	10:34:20
13	translation of the claims and a certification as	10:34:24
14	Exhibit 2A.	10:34:28
15	(Exhibit 2 was marked for identification	10:34:41
16	and is attached to the transcript.)	10:34:44
17	(Exhibit 2A was marked for identification	10:34:44
18	and is attached to the transcript.)	10:34:44
19	MR. RAICH: Watanabe Exhibit 3 is U.S.	10:35:02
20	patent number 10,683,322 and bears Bates numbers	10:35:05
21	NS 408 through 476. We've also included a Japanese	10:35:11
22	translation of the claims and a certification as	10:35:16
23	Exhibit 3A.	10:35:19
24	(Exhibit 3 was marked for identification	10:35:21
25	and is attached to the transcript.)	10:35:22

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

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1	(Exhibit 3A was marked for identification	10:35:22
2	and is attached to the transcript.)	10:35:41
3	MR. RAICH: Watanabe Exhibit 4 is	10:35:41
4	International Patent Publication Number 2012/029986.	10:35:45
5	Its English translation and a translation	10:35:56
6	certificate are provided at Exhibit 4A.	10:35:58
7	(Exhibit 4 was marked for identification	10:35:58
8	and is attached to the transcript.)	10:36:22
9	(Exhibit 4A was marked for identification	10:36:22
10	and is attached to the transcript.)	10:36:22
11	BY MR. RAICH:	10:36:36
12	Q. So Mr. Watanabe, starting with Exhibit 2,	10:36:36
13	you understand that the '361 patent is one of seven	10:36:40
14	patents asserted by Nippon Shinyaku against Sarepta	10:36:45
15	in this litigation?	10:36:49
16	A. Yes.	10:37:50
17	Q. And you'll understand if I refer to	10:37:50
18	Exhibit 2 as the '361 patent?	10:37:54
19	I'll reframe.	10:38:33
20	Mr. Watanabe, if you look at the first page?	10:38:34
21	A. Yes.	10:38:41
22	Q. And you see Exhibit 2 refers to U.S. patent	10:38:42
23	9,708,361?	10:38:46
24	A. Yes.	10:38:58
25	Q. And you'll understand if I refer to	10:38:58

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

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1	Exhibit 2 as the '361 patent?	10:39:01
2	A. Yes.	10:39:16
3	Q. And you are an inventor of the '361 patent;	10:39:16
4	correct?	10:39:21
5	A. Yes.	10:39:28
6	Q. Could you turn to Watanabe Exhibit 3? And	10:39:29
7	looking at the first page, do you see that Watanabe	10:39:41
8	Exhibit 3 refers to U.S. patent number 10,683,322?	10:39:44
9	A. Yes.	10:40:04
10	Q. And you'll understand if I refer to	10:40:04
11	Exhibit 3 as the '322 patent?	10:40:07
12	A. Yes.	10:40:22
13	Q. And you understand that the '322 patent is	10:40:22
14	also one of the seven patents asserted by Nippon	10:40:27
15	Shinyaku against Sarepta in this case?	10:40:32
16	A. Yes.	10:40:58
17	Q. You are an inventor of the '322 patent;	10:40:58
18	correct?	10:41:03
19	A. Yes.	10:41:12
20	Q. And if you look on page 2, there is a	10:41:12
21	section that says, "Related U.S. Application Data"	10:41:25
22	about halfway down the page.	10:41:35
23	I'll reframe.	10:41:57
24	If you look at the page that ends with the	10:41:59
25	Bates number 409, do you see there is reference	10:42:02

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

41

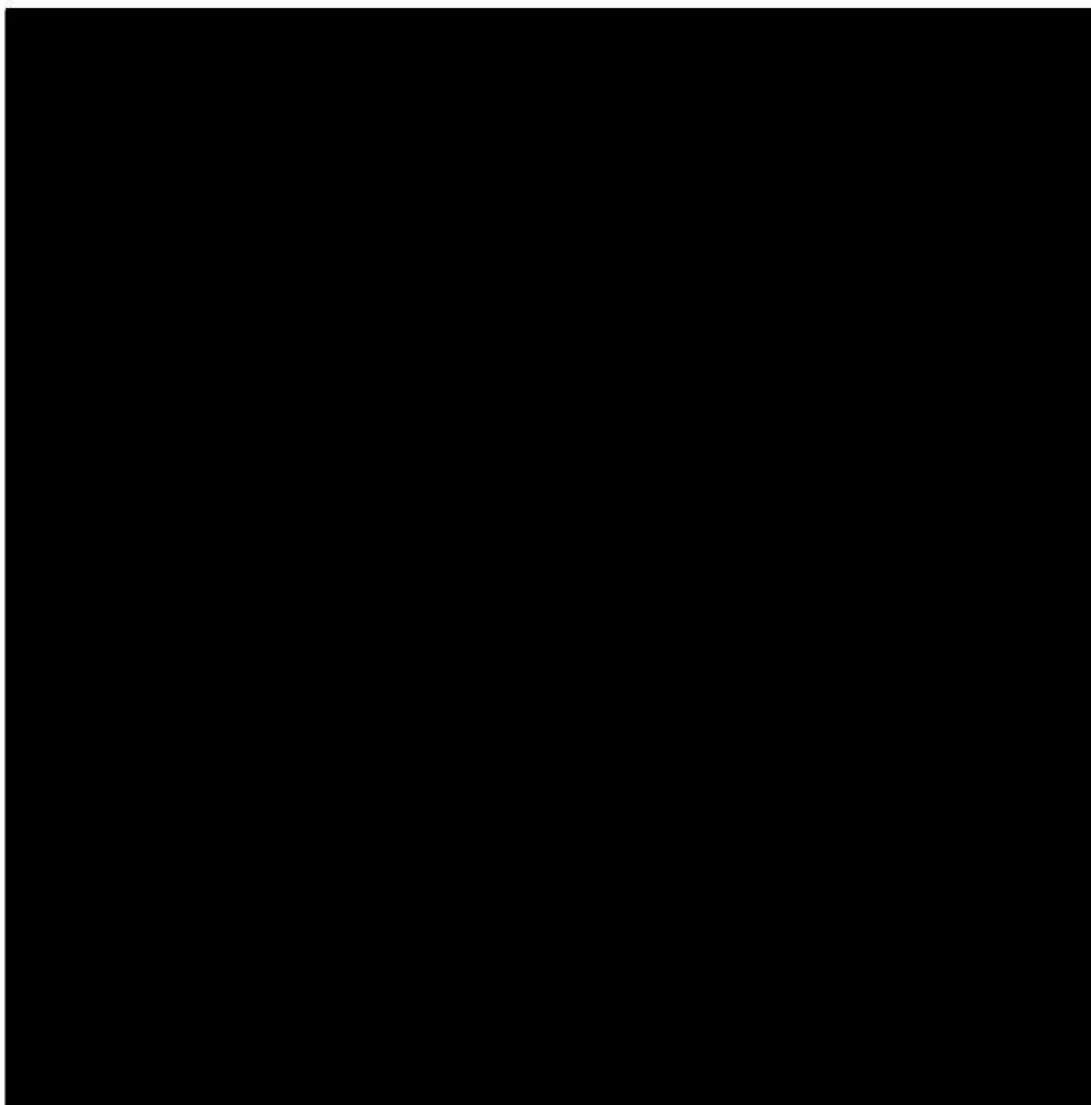
1	about two-thirds down the page to PCT/JP2011/070318?	10:42:25
2	A. Can you repeat that again, please?	10:43:14
3	Q. Sure. Do you see reference to	10:43:19
4	PCT/JP2011/070318?	10:43:29
5	A. Again, please?	10:43:48
6	Q. Do you see reference to PCT/JP2011/070318?	10:43:50
7	A. Yes.	10:44:09
8	Q. Could you turn to Watanabe Exhibit 4? And	10:44:09
9	Watanabe Exhibit 4 is a publication of International	10:44:27
10	Patent Application Number PCT/JP2011/070318;	10:44:31
11	correct?	10:44:40
12	A. Yes.	10:45:00
13	Q. And you are listed as an inventor of this	10:45:00
14	PCT; correct?	10:45:04
15	A. Yes.	10:45:15
16	Q. And you understand that Watanabe Exhibit 4	10:45:15
17	shares the same specification as Watanabe Exhibits 2	10:45:20
18	and 3?	10:45:25
19	A. Yes.	10:45:45
20	Q. So today, when we discuss the specification	10:45:45
21	of the NS patent, we'll work from Watanabe	10:45:50
22	Exhibit 4.	10:45:55
23	Is that okay?	10:45:55
24	A. Yes.	10:46:08
25		10:46:09

Transcript of Naoki Watanabe, Ph.D.

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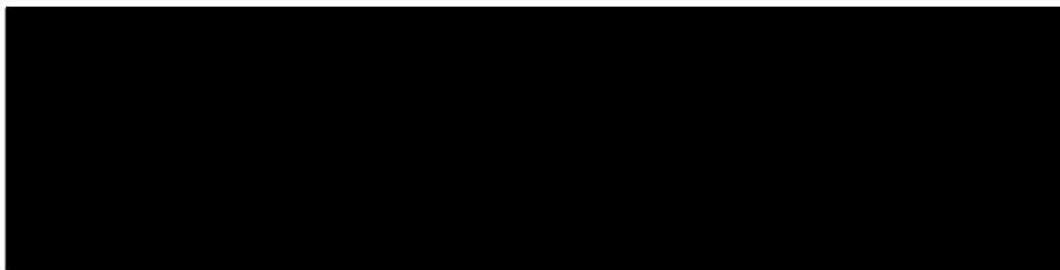
42

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10:46:40
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10:46:54
10:47:00
10:47:16
10:47:22
10:47:24
10:47:52
10:47:58
10:48:01
10:48:05
10:48:20
10:48:20
10:48:26
10:48:33
10:48:35
10:48:39
10:49:18
10:49:33
10:49:36
10:49:39
10:49:50

MS. WILLIAMSON: I just caution the witness
not to disclose any communications with counsel.
But you can answer as to the person or persons.



(Discussion in Japanese between the

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43

1 interpreters.)

10:49:51

2 [REDACTED] 10:49:51

3 [REDACTED] 10:49:56

4 [REDACTED] 10:50:01

5 [REDACTED] 10:50:03

6 [REDACTED] 10:50:20

7 [REDACTED] 10:50:20

8 [REDACTED] 10:50:28

9 [REDACTED] 10:50:46

10 [REDACTED] 10:50:55

11 [REDACTED] 10:50:55

12 [REDACTED] 10:50:57

13 [REDACTED] 10:51:00

14 [REDACTED] 10:51:16

15 [REDACTED] 10:51:24

16 [REDACTED] 10:51:30

17 MS. WILLIAMSON: Again, I'd caution the 10:51:59

18 witness not to reveal the substance of any 10:52:02

19 communications with counsel. 10:52:07

20 [REDACTED] 10:52:23

21 [REDACTED] 10:52:36

22 [REDACTED] 10:52:39

23 [REDACTED] 10:52:42

24 [REDACTED] 10:52:45

25 [REDACTED] 10:53:03

Transcript of Naoki Watanabe, Ph.D.
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44

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[REDACTED]

MS. WILLIAMSON: Objection. Vague.

A. Please ask the question again.

[REDACTED]

10:53:07
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10:53:36
10:53:37
10:53:46
10:53:47
10:54:06
10:54:13
10:54:33
10:54:33
10:54:45
10:54:46
10:55:02
10:55:02
10:55:19
10:55:21
10:55:24
10:55:42
10:55:43
10:56:11
10:56:20
10:56:38
10:56:44

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Conducted on June 26, 2023

81

1		13:52:03
2		13:52:03
3		13:52:15
4		13:52:33
5		13:52:36
6		13:52:59
7		13:53:03
8		13:53:07
9		13:53:41
10		13:53:43
11		13:53:46
12		13:53:48
13		13:53:50
14		13:54:38
15		13:54:38
16		13:54:45
17		13:54:50
18		13:55:02
19		13:55:02
20		13:55:09
21		13:55:31
22		13:55:31
23		13:55:36
24		13:56:07
25		13:56:11

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

82

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13:56:16
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13:57:15
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13:57:39
13:57:42
13:58:06
13:58:08
13:58:21
13:58:25
13:58:31
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13:58:39
13:58:42
13:59:00
13:59:09
13:59:12
13:59:15
13:59:20
13:59:25
13:59:30
14:00:42
14:00:45

MS. WILLIAMSON: Objection. Form.

A. Can you repeat the question, please?

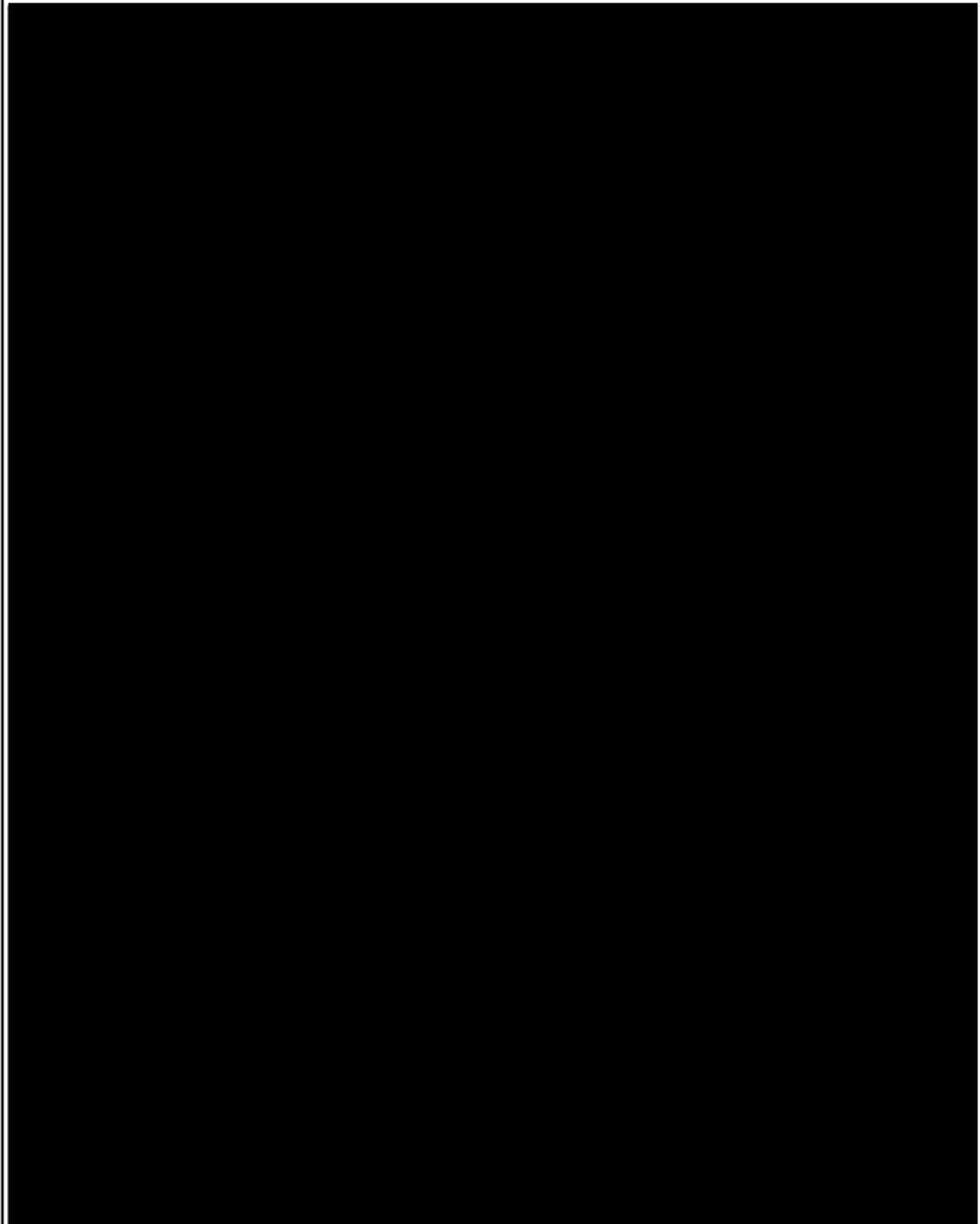
Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

108

1		15:38:55
2		15:39:11
3		15:39:11
4		15:39:17
5		15:39:20
6		15:39:54
7		15:39:54
8		15:40:05
9		15:40:11
10		15:40:37
11		15:40:37
12		15:40:42
13		15:40:55
14		15:40:56
15		15:41:00
16		15:41:16
17	Q. I'm handing to you what's been marked as	15:41:16
18	Watanabe Exhibit 18, which bears Bates numbers	15:41:34
19	NS 61808 through 819. The metadata provided by NS	15:41:39
20	is included as the last page to the exhibit.	15:41:44
21	Additionally, an English translation and	15:41:47
22	certification are provided as Exhibit 18A.	15:41:49
23	(Exhibit 18 was marked for identification	15:41:53
24	and is attached to the transcript.)	15:41:53
25	///	

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

109

1	(Exhibit 18A was marked for	15:41:53
2	identification and is attached to the	15:41:53
3	transcript.)	15:42:17
4		15:42:17
5		15:42:21
6		15:42:29
7		15:42:32
8		15:42:57
9		15:42:58
10		15:43:03
11		15:43:07
12		15:43:13
13		15:43:18
14		15:43:55
15		15:43:56
16		15:44:06
17		15:44:16
18		15:44:20
19		15:44:49
20		15:44:50
21		15:44:56
22		15:45:00
23		15:45:04
24		15:45:25
25		15:45:25

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

110

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15:46:04
15:46:09
15:46:12
15:46:42
15:46:51
15:46:52
15:46:56
15:47:29
15:47:31
15:47:41
15:47:44
15:48:16
15:48:19
15:48:22
15:48:33
15:48:36
15:48:48
15:48:49
15:48:50
15:49:11
15:49:15
15:49:17

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

111

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15:49:46
15:50:01
15:50:17
15:50:21
15:51:08
15:51:11
15:51:11
15:51:24
15:51:31
15:51:35
15:51:41
15:52:22
15:52:28
15:52:28
15:52:33
15:52:43
15:52:51
15:52:51
15:52:55
15:53:00
15:53:22
15:53:25

MS. WILLIAMSON: Objection. Form.

A. Can you repeat the question again, please?

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

112

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15:53:32
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15:53:54
15:54:02
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15:54:41
15:54:46
15:54:51
15:54:55
15:55:26
15:55:27
15:55:38
15:55:40
15:55:43
15:55:47
15:55:51
15:55:55
15:56:26
15:56:31
15:56:32
15:56:39
15:56:52
15:56:56

MS. WILLIAMSON: Objection. Calls for speculation.

A. Can you repeat the question, please?

MS. WILLIAMSON: Same objection.

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

113

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15:57:07
15:57:10
15:57:13
15:57:19
15:57:55
15:57:55
15:58:08
15:58:13
15:58:35
15:58:40
15:58:44
15:58:49
15:58:52
15:58:57
15:59:30
15:59:32
15:59:41
15:59:42
15:59:49
16:00:10
16:00:13
16:00:16
16:00:49
16:00:49
16:00:58

MS. WILLIAMSON: Objection. Calls for
speculation.

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

114

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16:01:09
16:01:11
16:01:16
16:01:35
16:01:35
16:01:42
16:01:48
16:02:07
16:02:12
16:02:16
16:02:22
16:02:27
16:02:56
16:02:56
16:03:05
16:03:05
16:03:41
16:03:47
16:03:53
16:04:01
16:04:06
16:04:08
16:04:11
16:04:15

MS. WILLIAMSON: Objection. Calls for
speculation.

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

115

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16:04:21

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16:04:26

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16:04:30

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MS. WILLIAMSON: Objection. Calls for speculation.

16:04:59

5

16:05:00

6

A. Can you repeat your question, please?

16:05:09

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16:05:11

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16:05:16

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16:05:20

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16:05:23

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16:05:27

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16:05:31

13

MS. WILLIAMSON: Same objection.

16:06:02

14

A. Can you repeat your question, please?

16:06:08

15

16:06:12

16

16:06:16

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16:06:20

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16:06:24

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16:06:29

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16:06:32

21

MS. WILLIAMSON: Same objection.

16:07:08

22

16:07:14

23

16:07:25

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16:07:28

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16:07:32

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

116

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16:07:40

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16:08:04

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16:08:05

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16:08:11

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16:08:14

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16:08:21

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16:08:41

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16:08:50

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16:08:54

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16:09:02

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16:09:13

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16:09:19

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16:09:25

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16:09:28

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16:09:33

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16:10:19

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16:10:20

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16:10:31

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16:10:44

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16:10:49

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16:10:58

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16:11:04

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16:11:32

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16:11:33

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

117

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16:11:49
16:12:08
16:12:12
16:12:20
16:12:25
16:12:28
16:12:30
16:12:50
16:12:50
16:13:04
16:13:17
16:13:23
16:13:29
16:13:39
16:13:43
16:13:48
16:14:25
16:14:26
16:14:54
16:14:54
16:15:39
16:15:43
16:15:49
16:15:53
16:15:56

MS. WILLIAMSON: Objection. Calls for
speculation.

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

118

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16:15:59

2

16:16:04

3

MS. WILLIAMSON: Objection. Calls for

16:16:28

4

speculation.

16:16:29

5

16:16:40

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16:16:44

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16:16:47

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16:17:09

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16:17:11

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16:17:34

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16:17:41

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16:17:46

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16:17:52

14

MS. WILLIAMSON: Objection. Calls for

16:18:19

15

speculation.

16:18:20

16

16:18:27

17

Q. So I'm handing you what's been marked as

16:18:29

18

Watanabe Exhibit 19, which bears Bates number

16:18:44

19

NS 60995. Its English translation and certification

16:18:48

20

are provided as Exhibit 19A.

16:18:52

21

(Exhibit 19 was marked for identification

16:18:54

22

and is attached to the transcript.)

16:18:54

23

(Exhibit 19A was marked for

16:18:54

24

identification and is attached to the

16:18:54

25

transcript.)

16:19:28

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

119

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16:19:42
16:19:56
16:19:57
16:20:03
16:20:06
16:20:43
16:20:43
16:20:50
16:20:56
16:21:11
16:21:11
16:21:20
16:21:25
16:21:51
16:21:54
16:22:02
16:22:06
16:22:13
16:22:57
16:22:57
16:23:03
16:23:08
16:23:12
16:23:15

MS. WILLIAMSON: Objection. Calls for
speculation.

A. Please repeat your question.

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Conducted on June 26, 2023

120

1	[REDACTED]	16:23:19
2	[REDACTED]	16:23:22
3	[REDACTED]	16:23:25
4	MS. WILLIAMSON: Objection. Calls for	16:23:55
5	speculation.	16:23:56
6	[REDACTED]	16:24:02
7	Q. I'm handing you what's been marked as	16:24:03
8	Watanabe Exhibit 20, which bears Bates numbers	16:24:22
9	NS 61119 through 120. Its English translation and	16:24:26
10	certification are provided as Exhibit 20A.	16:24:30
11	(Exhibit 20 was marked for identification	16:24:33
12	and is attached to the transcript.)	16:24:34
13	(Exhibit 20A was marked for	16:24:34
14	identification and is attached to the	16:24:34
15	transcript.)	16:24:58
16	[REDACTED]	16:24:58
17	[REDACTED]	16:25:03
18	[REDACTED]	16:25:19
19	[REDACTED]	16:25:19
20	[REDACTED]	16:25:22
21	[REDACTED]	16:25:34
22	[REDACTED]	16:25:37
23	[REDACTED]	16:25:41
24	[REDACTED]	16:26:15
25	[REDACTED]	16:26:15

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Conducted on June 26, 2023

121

1		16:26:23
2		16:26:37
3		16:26:37
4		16:26:51
5		16:26:58
6		16:27:15
7		16:27:23
8		16:27:27
9		16:27:32
10		16:27:37
11	MS. WILLIAMSON: Objection. Calls for	16:28:08
12	speculation.	16:28:09
13		16:28:31
14	Q. I'm handing you what's been marked as	16:28:32
15	Watanabe Exhibit 21, which bears Bates numbers	16:28:47
16	NS 61106 through 107. Its English translation and	16:28:50
17	certification are provided as Exhibit 21A.	16:28:56
18	(Exhibit 21 was marked for identification	16:28:56
19	and is attached to the transcript.)	16:29:00
20	(Exhibit 21A was marked for	16:29:00
21	identification and is attached to the	16:29:00
22	transcript.)	16:29:27
23		16:29:27
24		16:29:30
25		16:29:44

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Conducted on June 26, 2023

122

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16:29:44

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16:29:48

3

16:29:51

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16:30:19

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16:30:19

6

16:30:31

7

16:30:35

8

MS. WILLIAMSON: Objection. Calls for

16:30:47

9

speculation.

16:30:48

10

16:30:54

11

16:31:00

12

16:31:05

13

16:31:10

14

16:31:15

15

MS. WILLIAMSON: Objection. Calls for

16:31:43

16

speculation.

16:31:44

17

16:31:52

18

Q. I'm handing you what's been marked as

16:31:53

19

Watanabe Exhibit 22, which bears Bates numbers

16:32:06

20

NS 61116 through 117. Its English translation and

16:32:09

21

certification are provided as Exhibit 22A.

16:32:15

22

(Exhibit 22 was marked for identification

16:32:18

23

and is attached to the transcript.)

16:32:18

24

(Exhibit 22A was marked for

16:32:18

25



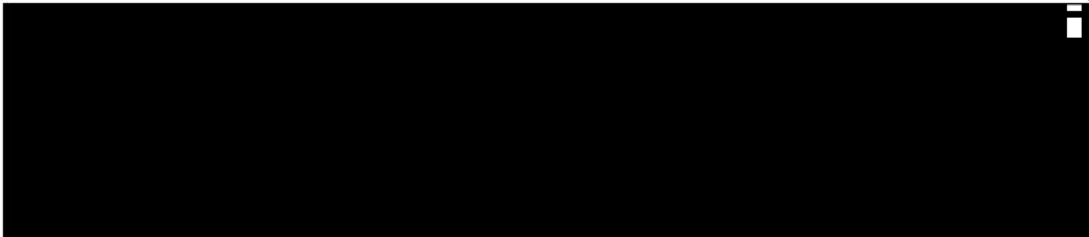
identification and is attached to the

16:32:18

Transcript of Naoki Watanabe, Ph.D.

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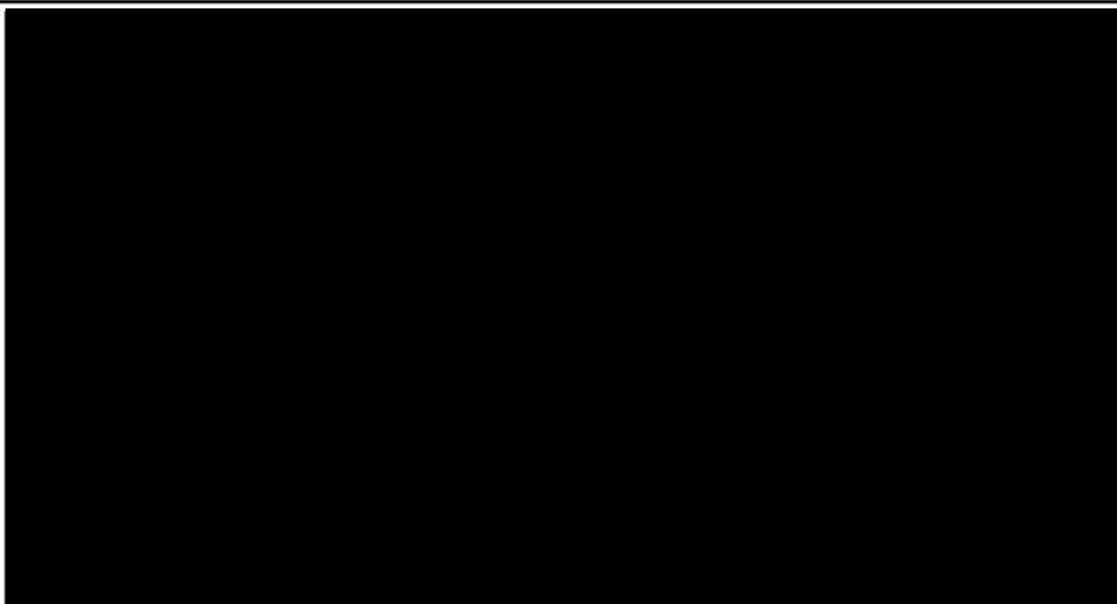
123

1	transcript.)	16:32:43
2		16:32:43
3		16:32:46
4		16:33:00
5		16:33:00
6		16:33:04
7		16:33:06
8		16:33:40
9		16:33:40
10		16:33:45
11	MS. WILLIAMSON: Objection. Vague.	16:34:03
12	A. Please repeat the question.	16:34:19
13	Q. I'll rephrase.	16:34:20
14		16:34:23
15		16:34:26
16		16:34:31
17		16:34:59
18		16:34:59
19		16:35:06
20		16:35:10
21		A. Please repeat the question.
22		16:35:35
23		16:35:40
24		16:35:46
25		16:36:01

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124

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16:36:01
16:36:06
16:36:11
16:36:27
16:36:27
16:36:37
16:36:41
16:36:47
16:36:56

(Discussion in Japanese between the
interpreters.)


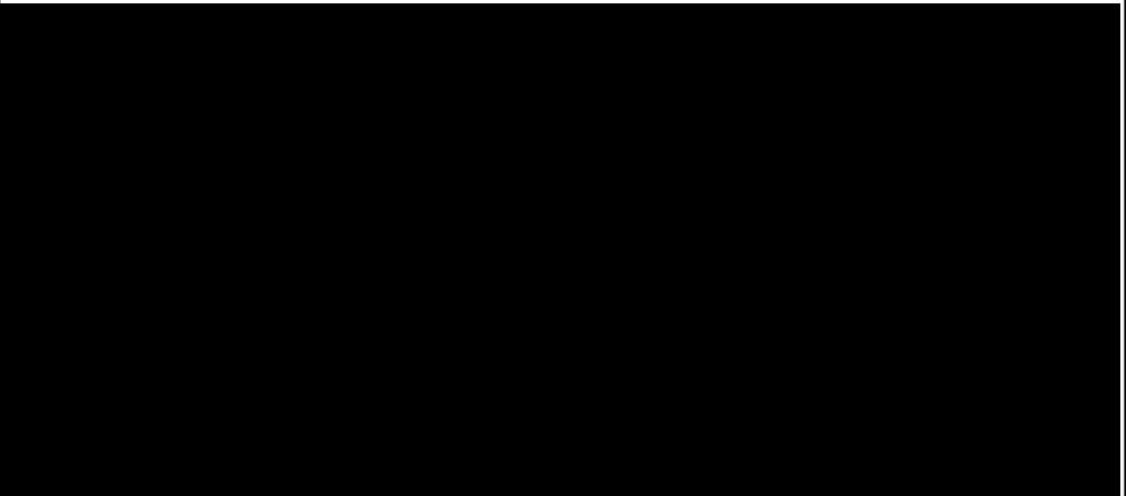
16:37:16
16:37:34
16:37:34
16:37:34
16:37:42
16:37:46
16:37:52
16:38:19
16:38:19
16:38:27
16:38:30
16:38:36
16:39:02
16:39:03
16:39:10
16:39:13



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125

1	A. Please repeat the question.	16:39:38
2		16:39:40
3		16:39:43
4		16:40:09
5		16:40:09
6		16:40:15
7		16:40:19
8		16:40:42
9		16:40:43
10		16:40:46
11		16:40:51
12		16:41:24
13		16:41:25
14		16:41:30
15		16:41:33
16	MS. WILLIAMSON: Objection to form.	16:42:05
17	A. Please repeat the question.	16:42:12
18		16:42:13
19		16:42:18
20		16:42:20
21		16:42:48
22		16:42:48
23		16:42:53
24		16:42:59
25		16:43:33

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

126

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16:43:37
16:43:48
16:43:55
16:43:59
16:44:18
16:44:22
16:44:27
16:44:45
16:44:50
16:44:55
16:45:00
16:45:03
16:45:30
16:45:31
16:46:23
16:46:23
16:46:39
16:46:45
16:46:51
16:46:56
16:46:59
16:47:06
16:47:43
16:47:44
16:47:46

MS. WILLIAMSON: Objection. Calls for
speculation.

(Exhibit 23 was marked for identification
and is attached to the transcript.)

Transcript of Naoki Watanabe, Ph.D.
Conducted on June 26, 2023

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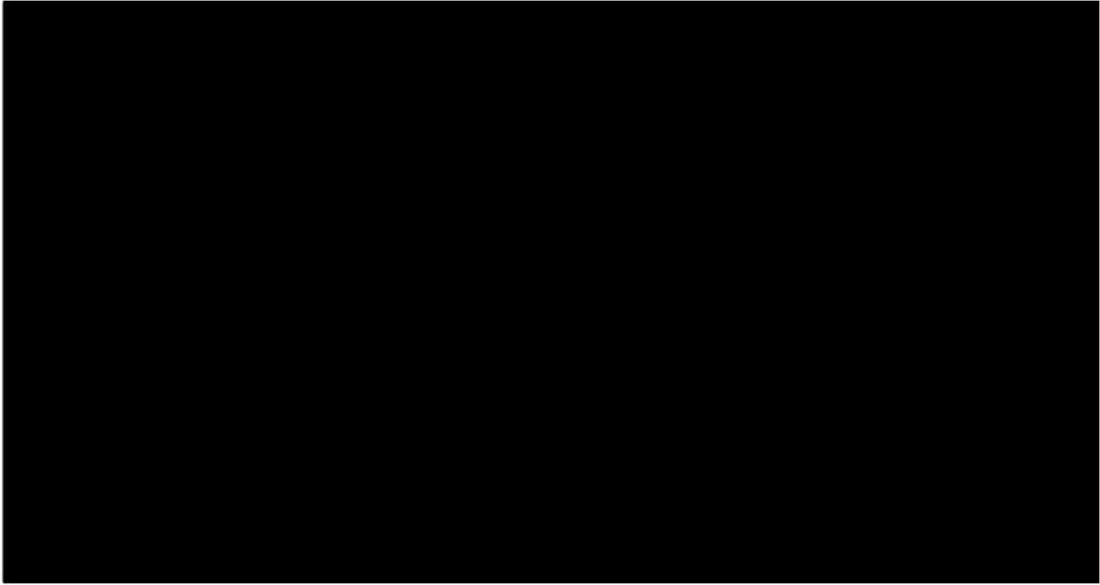
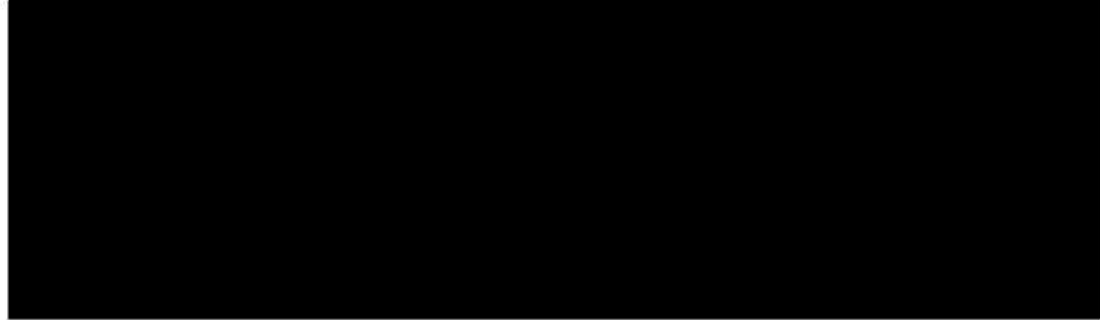
16:47:48
16:47:55
16:47:55
16:48:01
16:48:31
16:48:33
16:48:39
16:49:04
16:49:09
16:49:19
16:49:24
16:49:28
16:50:01
16:50:01
16:50:06
16:50:10
16:50:34
16:50:37
16:50:46
16:50:50
16:51:09
16:51:09
16:51:11
16:51:23
16:51:28

MS. WILLIAMSON: Objection. Calls for
speculation. And also object to the document as
being, at least as I see it, illegible

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023


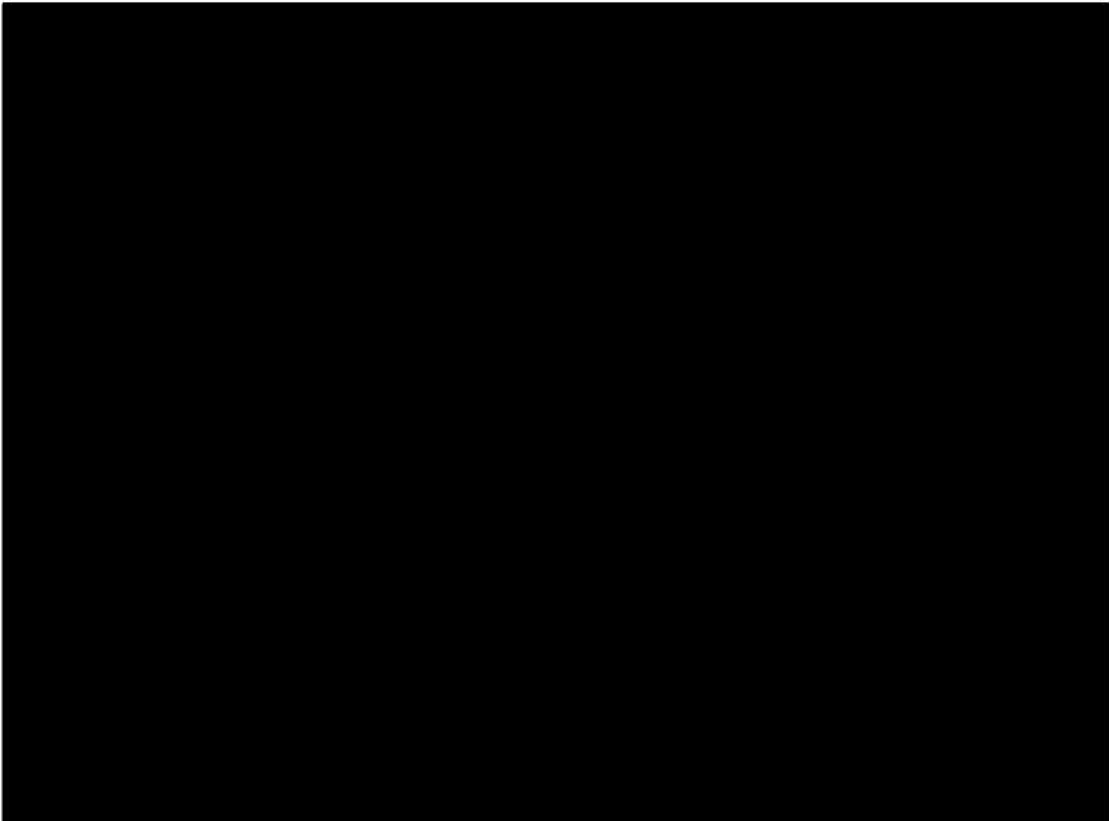
128

1	MR. RAICH: Let's take a short break.	16:51:49
2	MS. WILLIAMSON: Okay.	16:51:51
3	THE VIDEOGRAPHER: We are going off the	16:51:52
4	record at 4:51 p.m.	16:51:54
5	(A short break was had.)	16:51:55
6	THE VIDEOGRAPHER: We are back on the record	17:05:33
7	at 5:05 p.m.	17:05:42
8	BY MR. RAICH:	17:05:45
9		17:05:46
10		17:05:50
11		17:06:00
12		17:06:27
13		17:06:30
14		17:06:45
15		17:06:45
16		17:06:50
17	17:06:55	
18	MS. WILLIAMSON: Objection. Calls for	17:07:09
19	speculation.	17:07:10
20		17:07:12
21		17:07:16
22		17:07:23
23		17:07:28
24		17:07:32
25		17:08:07
	MS. WILLIAMSON: Objection. Calls for	

Transcript of Naoki Watanabe, Ph.D.

Conducted on June 26, 2023

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1	speculation.	17:08:08
2		17:10:31
3		17:10:31
4	I'm handing you what's been marked as	17:10:43
5	Watanabe Exhibit 24, which bears Bates numbers	17:10:59
6	NS 61263 through 65. Its English translation and	17:11:03
7	certification are provided as Exhibit 24A.	17:11:07
8	(Exhibit 24 was marked for identification	17:11:07
9	and is attached to the transcript.)	17:11:12
10	(Exhibit 24A was marked for	17:11:12
11	identification and is attached to the	17:11:12
12	transcript.)	17:11:37
13		17:11:37
14		17:11:41
15		17:11:54
16		17:11:54
17		17:12:02
18		17:12:07
19		17:12:38
20		17:12:39
21		17:13:33
22		17:13:36
23		17:13:55
24		17:14:09
25		17:14:09

Transcript of Naoki Watanabe, Ph.D.


Conducted on June 26, 2023

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CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Tiffany M. Pietrzyk, CSR RPR CRR, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 27th of June, 2023.



My commission expires:

February 28th, 2024



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Transcript of Naoki Watanabe, Ph.D., Continued

Date: June 27, 2023

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

Planet Depos

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Email: transcripts@planetdepos.com

www.planetdepos.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----x

NIPPON SHINYAKU CO., LTD., :

Plaintiff, :

v. :

SAREPTA THERAPEUTICS, INC., :

Defendant. :

----- : C.A. No. 21-1015

SAREPTA THERAPEUTICS, INC. and :

THE UNIVERSITY OF WESTERN :

AUSTRALIA, :

Defendant/Counter-Plaintiffs, :

v. :

NIPPON SHINYAKU CO., LTD. and NS :

PHARMA, INC., :

Plaintiff/Counter-Defendants. :

-----x

** [REDACTED] **

Continued Videotaped Deposition of

NAOKI WATANABE, Ph.D.

Chicago, Illinois

Tuesday, June 27, 2023

9:05 a.m. CST

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

148

1 Job No.: 493015

2 Pages: 147 - 218

3 Reported Stenographically by:

4 Tiffany M. Pietrzyk, CSR RPR CRR

5
6
7 Videotaped deposition of NAOKI WATANABE,
8 Ph.D., held at the location of:

9
10 MORGAN, LEWIS & BOCKIUS LLP

11 110 North Wacker Drive

12 Chicago, Illinois 60601

13 312.324.1000
14
15
16

17 Pursuant to notice, before Tiffany M. Pietrzyk, a
18 Certified Shorthand Reporter in the States of
19 Illinois, Texas, and California, Registered
20 Professional Reporter, Certified Realtime Reporter,
21 and a Notary Public in and for the State of
22 Illinois.
23
24
25

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

149

A P P E A R A N C E S

ON BEHALF OF NIPPON SHINYAKU CO., LTD. and NS
PHARMA, INC.:

AMANDA S. WILLIAMSON, ESQUIRE

GUYLAINE HACHE, Ph.D., ESQUIRE

MORGAN, LEWIS & BOCKIUS LLP

110 North Wacker Drive

Chicago, Illinois 60606

312.324.1450

and

MAMI HINO, ESQUIRE

ABE, IKUBO & KATAYAMA

Fukuoka Buiolding, 8-7

Yaesu 2 Chome

Chuo-Ku, Tokyo 104-0028

81-3-3273-2600

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1 A P P E A R A N C E S C O N T I N U E D
2 O N B E H A L F O F S A R E P T A T H E R A P E U T I C S , I N C . a n d T H E
3 U N I V E R S I T Y O F W E S T E R N A U S T R A L I A :

4 W I L L I A M B . R A I C H , P h . D . , E S Q U I R E

5 Y O O J I N L E E , E S Q U I R E

6 F I N N E G A N , H E N D E R S O N , F A R A B O W , G A R R E T T &

7 D U N N E R , L L P

8 9 0 1 N e w Y o r k A v e n u e , N W

9 W a s h i n g t o n , D C 2 0 0 0 1

10 2 0 2 . 4 0 8 . 4 0 0 0

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12 A L S O P R E S E N T :

13 M a r c D . E v a n s , J D (S a r e p t a)

14 J u n k o Y . S a l m o n (I n t e r p r e t e r)

15 Y u m i S c h w e i z e r (C h e c k I n t e r p r e t e r)

16 G a b r i e l M a r t i n (P l a n e t D e p o s V i d e o g r a p h e r)

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023


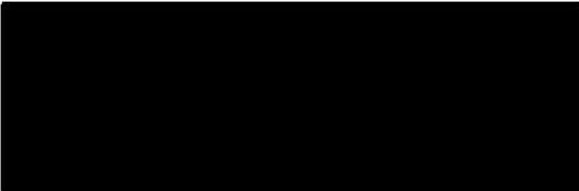
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C O N T E N T S

CONTINUED EXAMINATION OF	PAGE
NAOKI WATANABE, Ph.D.	
By Mr. Raich	157

E X H I B I T S

(Attached to transcript.)

DEPOSITION EXHIBITS	PAGE
Exhibit 30	157
	
Bates Numbers NS 73536 to 542	
Exhibit 30A	157
English translation and certification of document	
	
Numbers NS 73536 to 542	
Exhibit 32	164
Email chain from Mr. Watanabe to Mr. Takagaki, dated 11/25/09, Bates NS 85355 to 370, with attachment	

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS	PAGE
Exhibit 32A English translation and certification of email chain from Mr. Watanabe to Mr. Takagaki, dated 11/25/09, Bates NS 85355 to 370, with attachment	164
Exhibit 33 Popplewell, et al. Paper, published 2010	168
Exhibit 34 Document entitled, [REDACTED] [REDACTED] Bates numbers NS 62225 to 234	176
Exhibit 34A English translation and certification of document [REDACTED] [REDACTED] NS 62225 to 234	176
Exhibit 35 Document entitled, [REDACTED] [REDACTED] [REDACTED] Bates numbers NS00081120 to 237	177

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS PAGE

Exhibit 35A English translation and 177
certification of document

NS00081120 to 237

Exhibit 36 180

NS 60984

Exhibit 36A English translation and 180
certification of

NS 60984

Exhibit 37 181

NS 61042

Exhibit 37A English translation and 181
certification of

NS 61042

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS

PAGE

Exhibit 38

187

NS 61068

Exhibit 38A

English translation and
certification of

187

NS 61068

Exhibit 39

184

439, with attachments

Exhibit 39A

English translation and
certification of an email

184

NS 85390 to 439, with
attachments

Exhibit 41

191

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS PAGE

Exhibit 41A Machine translation from 191
English into Japanese of

Exhibit 42 191

Exhibit 42A Machine translation from 191
English into Japanese of

Exhibit 43 196

translation and
certification, included at
Bates numbers NS 296 to 309

Exhibit 44 200

Exhibit 44A Machine translation into 200

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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E X H I B I T S (Cont.)

DEPOSITION EXHIBITS

PAGE

Exhibit 45

201

NS 91317 to 18

Exhibit 45A English translation and
certification of report of

201

NS 91317 to 18

Exhibit 46 Native Excel document, Bates
number NS 91319

208

Exhibit 47

209

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning.

We are now on the record. Here begins day
number 2 on the videotaped deposition of Naoki
Watanabe.

Today's date is June 27, 2023. The time on
the video monitor is now 9:05 a.m. Central Standard
Time.

Counsel, you may proceed.

C O N T I N U E D E X A M I N A T I O N

BY MR. RAICH:

Q. Mr. Watanabe, you understand that you're
still under oath today?

A. Yes.

Q. I'm handing you what's been marked as
Watanabe Exhibit 30, which bears Bates numbers
NS 73536 through 542. Additionally, I provided its
English translation and certification as
Exhibit 30A.

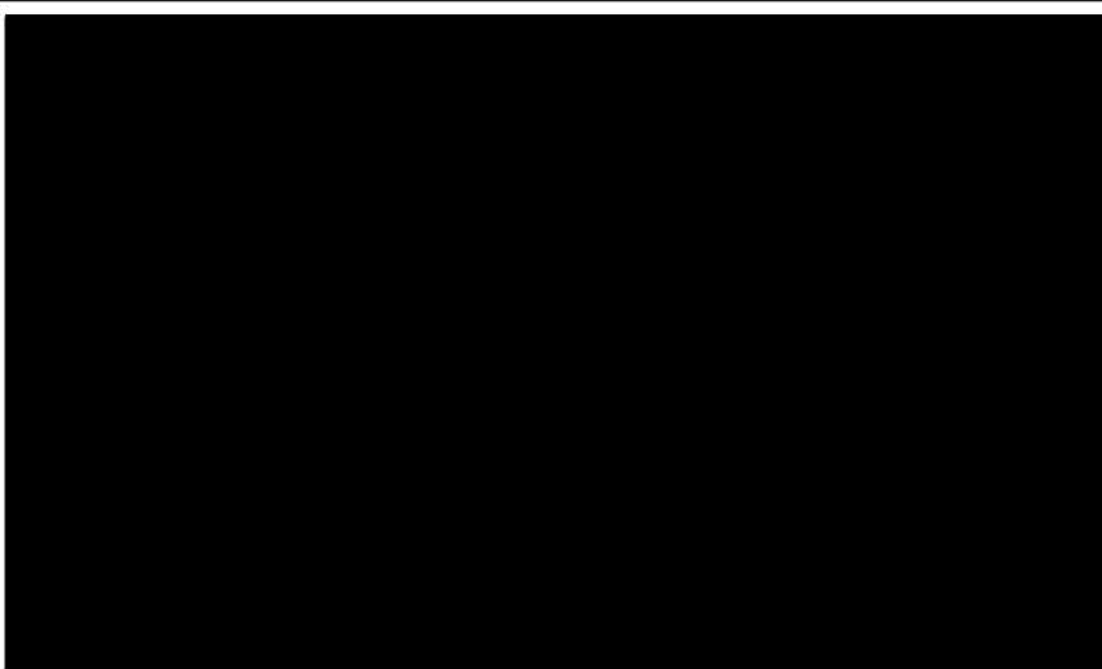
(Exhibit 30 was marked for identification
and is attached to the transcript.)

(Exhibit 30A was marked for
identification and is attached to the
transcript.)

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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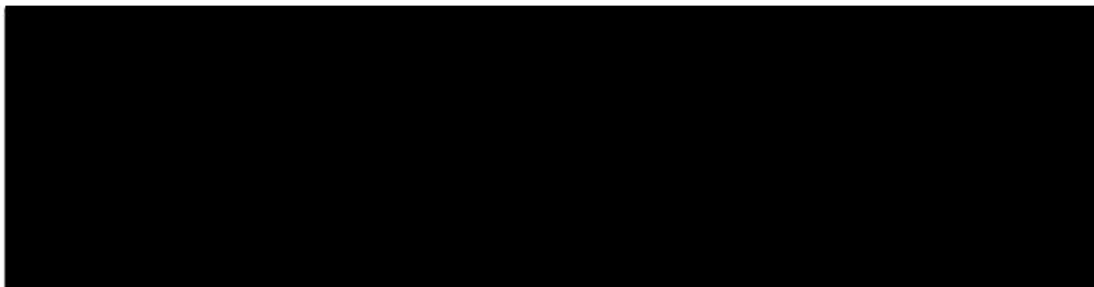


10:28:37
10:28:42
10:28:44
10:28:45
10:29:00
10:29:00
10:29:40
10:31:01
10:31:04
10:31:11
10:31:20
10:31:24
10:31:28
10:31:34
10:31:37
10:31:40
10:31:40
10:31:43
10:31:43
10:31:43
10:32:14
10:32:14
10:32:25
10:32:34
10:32:56

Q. I'm handing you what's been marked as
Watanabe Exhibit 35, which bears Bates numbers
NS00081120 through 237. We've attached metadata
produced by NS as the last page. Its English
translation and certification are provided as
Exhibit 35A.

(Exhibit 35 was marked for identification
and is attached to the transcript.)

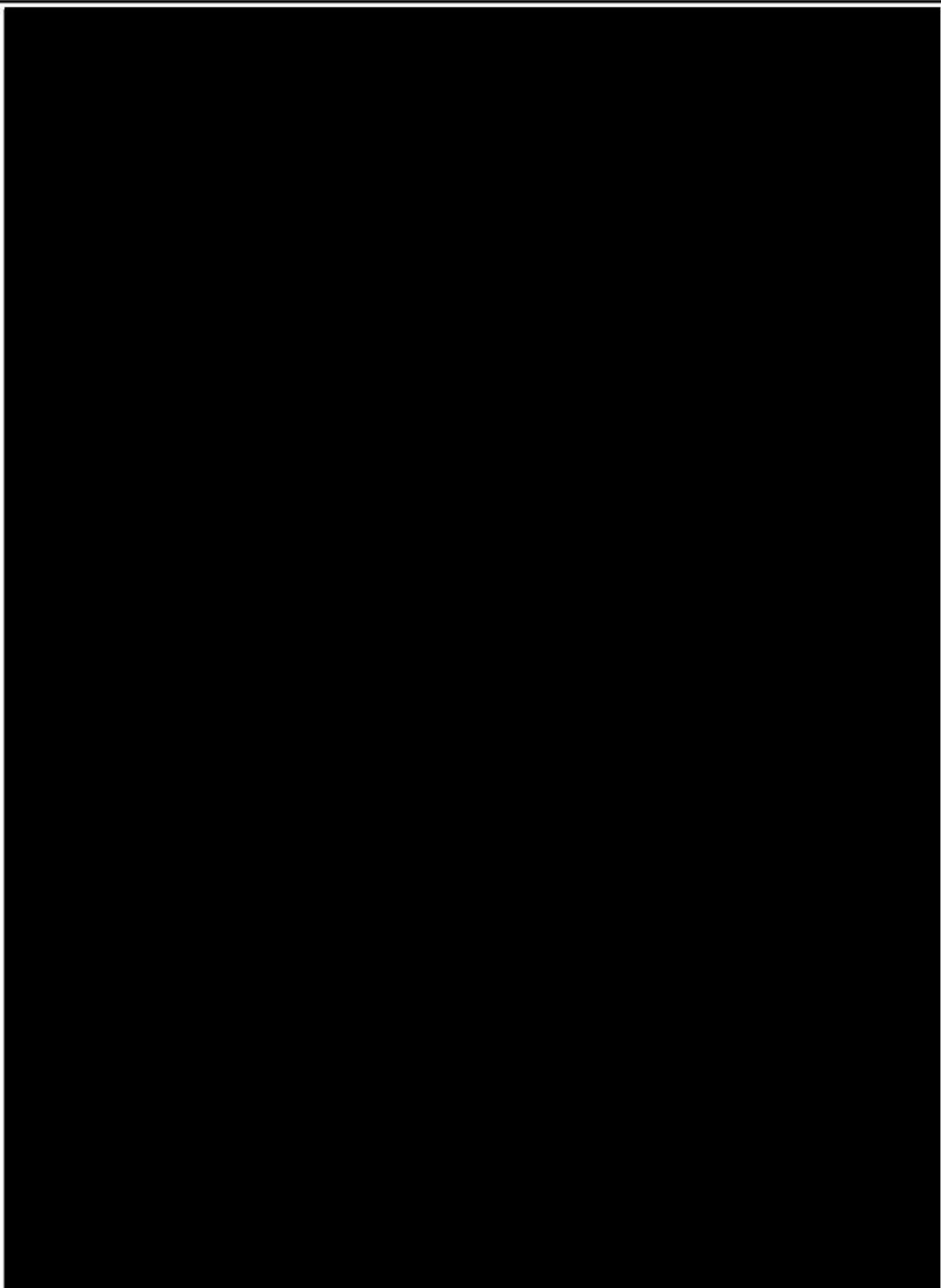
(Exhibit 35A was marked for
identification and is attached to the
transcript.)



Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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10:33:00
10:33:19
10:33:19
10:33:41
10:33:43
10:33:58
10:34:15
10:34:15
10:34:21
10:34:49
10:34:51
10:34:51
10:35:07
10:35:08
10:35:28
10:35:43
10:35:46
10:35:52
10:35:52
10:35:58
10:36:11
10:36:11
10:36:16
10:36:31
10:36:32

MS. WILLIAMSON: I object to the question as
outside the scope of the topics on which this

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1 witness has been designated. If he has personal
2 knowledge, he can answer in his personal capacity.

10:36:35

10:36:38

10:36:56

10:36:57

10:37:00

10:37:03

10:37:09

10:37:32

10:37:32

10:37:50

10:37:54

10:37:57

13 (Discussion in Japanese between the
14 interpreters.)

10:38:19

10:38:23

15 MS. WILLIAMSON: I would just caution the
16 witness not to reveal any communications with
17 counsel in answering the question.

10:38:23

10:38:25

10:38:28

18 A. Can you repeat the question, please?

10:38:51

10:38:54

10:39:00

10:39:03

10:39:07

23 MS. WILLIAMSON: Same caution.

10:39:25

10:39:32

10:39:33

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1	[REDACTED]	10:39:42
2	[REDACTED]	10:39:46
3	MS. WILLIAMSON: Again, I would caution the	10:40:00
4	witness not to reveal any communication with	10:40:02
5	counsel.	10:40:04
6	And I also object to the question as calling	10:40:05
7	for a legal conclusion.	10:40:08
8	[REDACTED]	10:40:26
9	Q. I'm handing you what's been marked as	10:40:27
10	Watanabe Exhibit 36, which bears Bates number	10:40:35
11	NS 60984. Its English translation and certification	10:40:40
12	are provided as Exhibit 36A.	10:40:44
13	(Exhibit 36 was marked for identification	10:40:47
14	and is attached to the transcript.)	10:40:48
15	(Exhibit 36A was marked for	10:40:48
16	identification and is attached to the	10:40:48
17	transcript.)	10:41:07
18	[REDACTED]	10:41:07
19	[REDACTED]	10:41:13
20	[REDACTED]	10:41:25
21	[REDACTED]	10:41:25
22	[REDACTED]	10:41:42
23	[REDACTED]	10:41:46
24	[REDACTED]	10:41:49
25	[REDACTED]	10:42:25

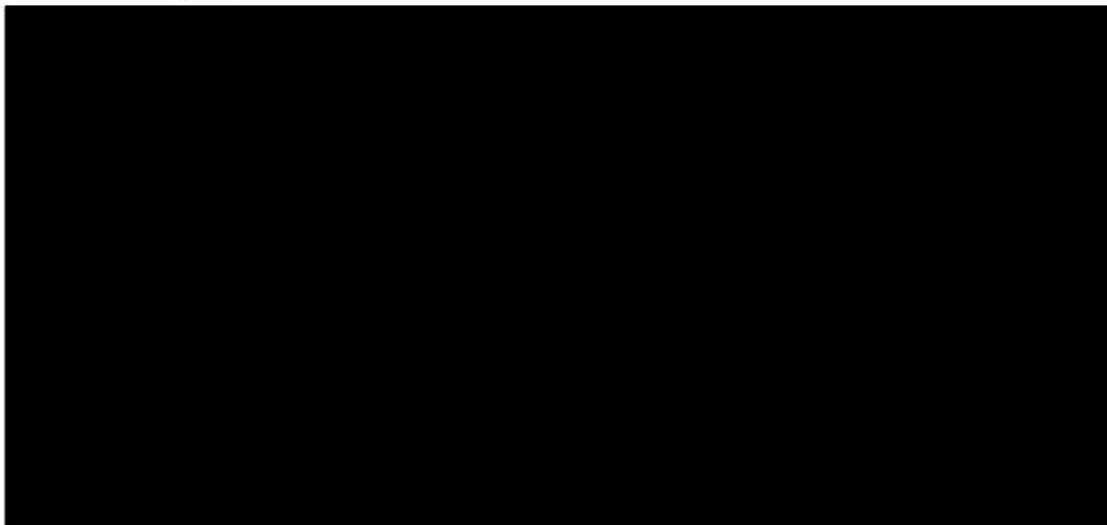
Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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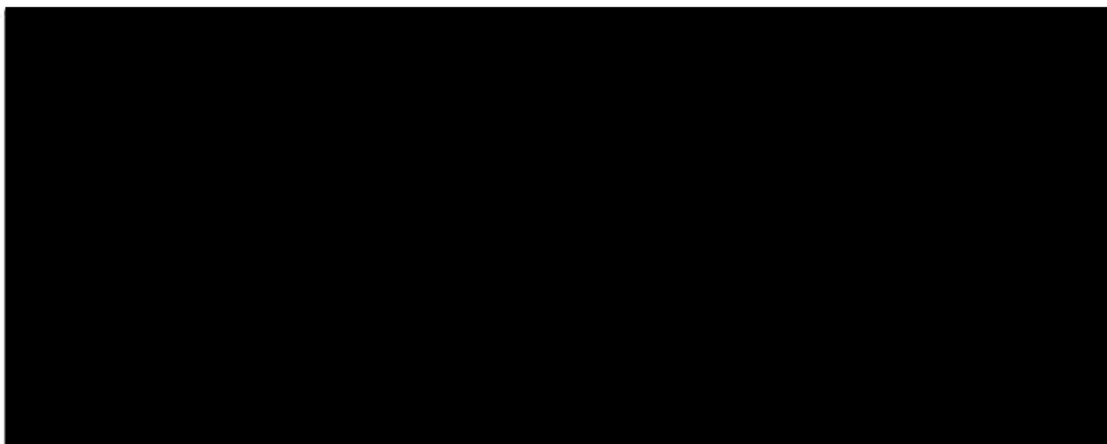
1 Q. I'm handing you what's been marked as 10:42:25
2 Watanabe Exhibit 37, which bears Bates number 10:42:36
3 NS 61042. Its English translation and certification 10:42:40
4 are provided as Exhibit 37A. 10:42:43

5 (Exhibit 37 was marked for identification 10:42:46
6 and is attached to the transcript.) 10:42:47

7 (Exhibit 37A was marked for 10:42:47
8 identification and is attached to the 10:42:47
9 transcript.) 10:43:06



10 10:43:06
11 10:43:12
12 10:43:26
13 10:43:26
14 10:43:33
15 10:43:37
16 10:43:57
17 10:43:57
18 MS. WILLIAMSON: I caution the witness not 10:44:06
19 to reveal any client-attorney communications or 10:44:07



Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1		10:45:24
2		10:45:46
3		10:45:48
4		10:46:10
5		10:46:13
6		10:46:16
7		10:47:00
8		10:47:02
9		10:47:24
10		10:47:26
11		10:47:45
12		10:47:47
13		10:47:49
14		10:47:49
15		10:48:07
16		10:48:07
17		10:48:12
18		10:48:27
19		10:48:32
20		10:48:35
21		10:48:55
22		10:48:55
23		10:48:58
24		10:49:04
25		10:49:26

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

183

1		10:49:26
2		10:49:34
3		10:50:26
4		10:50:30
5		10:50:34
6		10:50:43
7		10:50:43
8		10:50:49
9		10:50:52
10		10:50:56
11		10:51:12
12		10:51:12
13		10:51:35
14		10:51:38
15		10:51:40
16		10:51:43
17		10:51:48
18	(Discussion in Japanese between the	10:52:14
19	interpreters.)	10:52:24
20	INTERPRETER: I think that was basically	10:52:24
21	what I said.	10:52:26
22	(Discussion in Japanese between the	10:52:27
23	interpreters.)	10:53:03
24		10:53:03
25		10:53:29

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1		10:53:35
2		10:53:41
3		10:53:45
4	Q. For now, we're gonna skip Exhibit 38 and go	10:54:04
5	to Exhibit 39.	10:54:16
6	So I'm handing you what's been marked as	10:54:17
7	Watanabe Exhibit 39, which bears Bates numbers	10:54:20
8	NS 85390 through 439. An English translation and	10:54:22
9	certification for the cover email are provided as	10:54:28
10	Exhibit 39A.	10:54:32
11	(Exhibit 39 was marked for identification	10:54:32
12	and is attached to the transcript.)	10:54:36
13	MR. RAICH: And for clarity, we've included	10:54:36
14	a printout of the text file, since the image file	10:54:37
15	produced by Nippon Shinyaku, did not properly	10:54:40
16	capture the text of the email. So we'd ask that NS	10:54:42
17	reproduce the image file for this email.	10:54:46
18	MS. WILLIAMSON: If you could make that	10:54:48
19	request in writing, we'll take it under advisement.	10:54:49
20	(Exhibit 39A was marked for	10:54:55
21	identification and is attached to the	10:54:55
22	transcript.)	10:54:55
23	BY MR. RAICH:	10:56:00
24		10:56:00
25		10:56:06

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

211

1		13:40:29
2		13:40:36
3		13:40:42
4	MS. WILLIAMSON: Objection. Calls for	13:41:05
5	expert testimony.	13:41:07
6	A. Please repeat the question.	13:41:19
7		13:41:21
8		13:41:30
9		13:41:39
10		13:41:43
11		13:41:48
12		13:41:54
13	MS. WILLIAMSON: Objection. Calls for	13:42:13
14	expert testimony.	13:42:15
15		13:43:07
16		13:43:07
17		13:43:17
18		13:43:40
19		13:43:40
20		13:43:56
21		13:44:16
22		13:44:16
23		13:44:20
24		13:44:25
25	MS. WILLIAMSON: Objection. Asked and	13:44:36

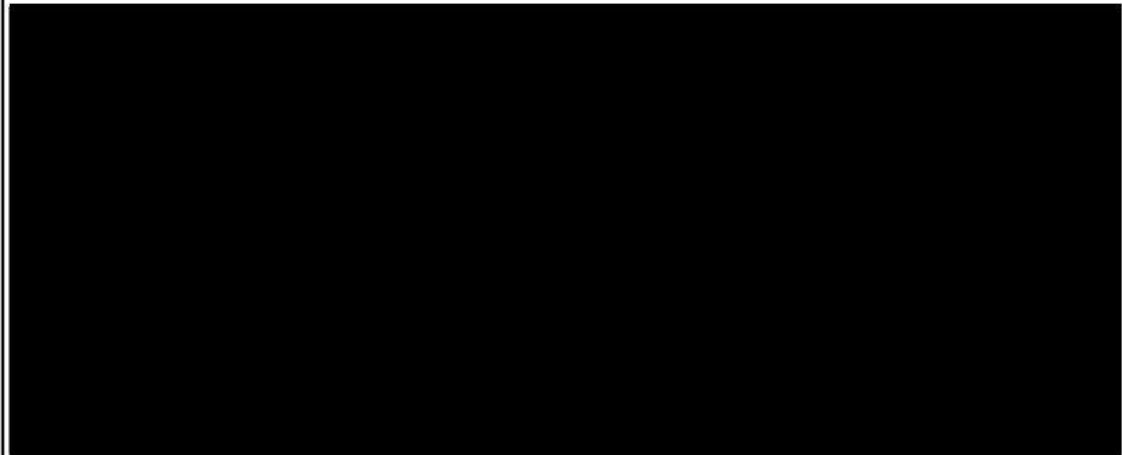
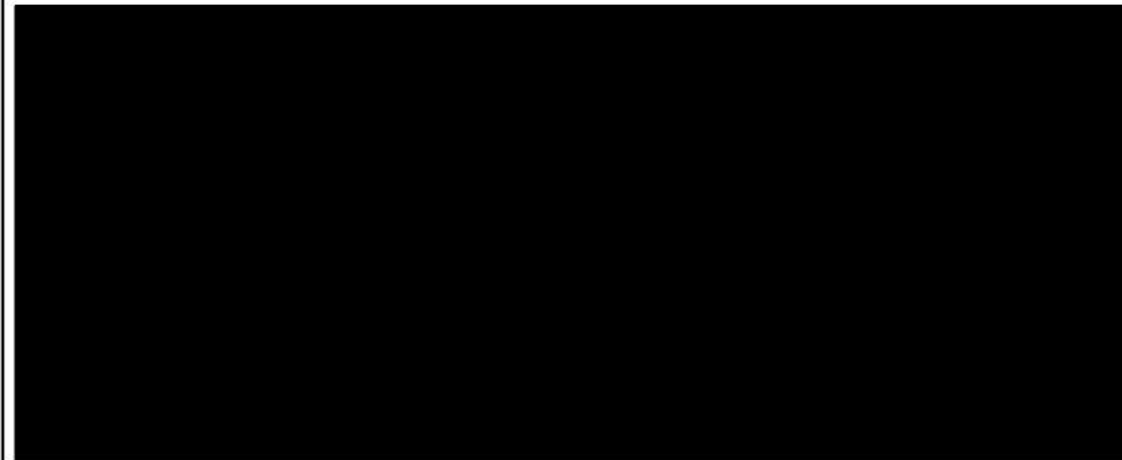

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1	answered.	13:44:37
2	A. Please repeat your question.	13:45:41
3	[REDACTED]	13:45:44
4	[REDACTED]	13:45:47
5	[REDACTED]	13:45:52
6	(Discussion in Japanese between the	13:46:03
7	interpreters.)	13:46:09
8	[REDACTED]	13:46:09
9	[REDACTED]	13:46:13
10	(Discussion in Japanese between the	13:46:13
11	interpreters.)	13:46:15
12	MS. WILLIAMSON: Objection. Asked and	13:46:15
13	answered.	13:46:16
14	[REDACTED]	13:46:26
15	[REDACTED]	13:46:27
16	[REDACTED]	13:46:32
17	[REDACTED]	13:46:37
18	INTERPRETER: Just a minute. I have to look	13:46:54
19	something up.	13:46:56
20	MR. RAICH: Let's go off the record. This	13:47:53
21	will be the final break.	13:47:55
22	THE VIDEOGRAPHER: We are going off the	13:47:56
23	record at 1:47 p.m.	13:47:58
24	(A short break was had.)	13:47:59
25	THE VIDEOGRAPHER: We are back on the record	13:52:28

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1	at 1:52 p.m.	13:52:35
2	BY MR. RAICH:	13:52:37
3		13:52:39
4		13:52:41
5		13:52:44
6		13:52:56
7		13:52:57
8		13:53:02
9		13:53:09
10	MS. WILLIAMSON: I object to the question as	13:53:36
11	calling for privileged information, as Dr. Feng is	13:53:37
12	outside counsel for NS.	13:53:44
13	You can answer the question yes or no.	13:53:46
14	A. Please repeat the question.	13:54:13
15		13:54:15
16		13:54:19
17		13:54:21
18		13:54:40
19		13:54:40
20		13:54:43
21		13:54:53
22	MS. WILLIAMSON: Same objection.	13:55:05
23	And I instruct the witness to limit his	13:55:07
24	answer to yes or no.	13:55:09
25		13:55:18


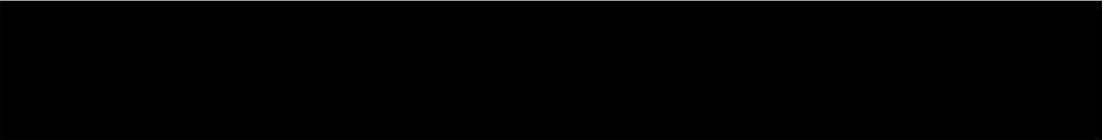
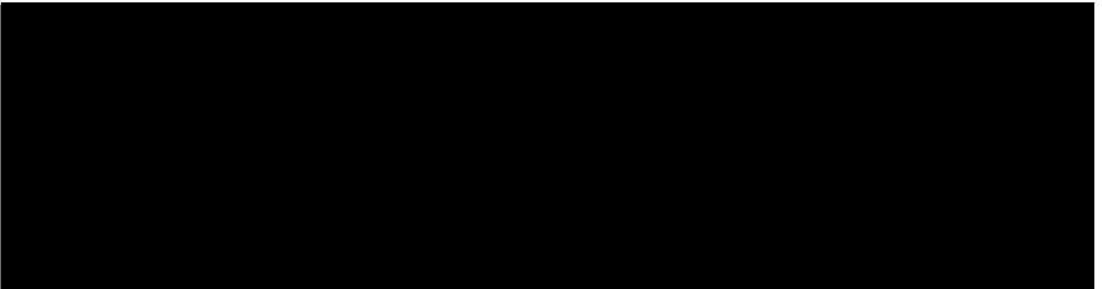
Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1		13:55:18
2		13:55:23
3		13:55:27
4		13:55:29
5		13:55:32
6	MS. WILLIAMSON: Same objection.	13:55:50
7	And I instruct the witness to limit his	13:55:52
8	answer to yes, no, or I do not recall.	13:55:54
9	A. I don't recall.	13:56:09
10		13:56:11
11		13:56:14
12		13:56:19
13		13:56:21
14	And you can answer yes, no, or I don't	13:56:23
15	recall.	13:56:26
16	MS. WILLIAMSON: Same objection.	13:56:49
17	And I instruct the witness to limit his	13:56:50
18	answer to yes, no, or I do not recall.	13:56:51
19		13:57:05
20		13:57:05
21		13:57:11
22		13:57:13
23	And you can answer yes, no, or I don't	13:57:14
24	recall.	13:57:17
25	MS. WILLIAMSON: I object to the question as	13:57:34

Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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1	calling for privileged information.	13:57:35
2	And I instruct the witness to limit his	13:57:36
3	answer to yes, no, or I do not recall.	13:57:39
4		13:57:57
5		13:57:57
6		13:58:01
7		13:58:04
8	And you can answer yes, no, or I don't	13:58:06
9	recall.	13:58:08
10	MS. WILLIAMSON: I object to the question as	13:58:25
11	calling for privileged information. He can't answer	13:58:26
12	without disclosing the content of attorney-client	13:58:29
13	communication.	13:58:33
14	And I instruct the witness not to answer.	13:58:33
15		13:58:55
16		13:58:56
17	MS. WILLIAMSON: Caution the witness not to	13:59:06
18	disclose any attorney-client communication. You can	13:59:08
19	answer as to the date, if you recall.	13:59:13
20	A. I don't recall.	13:59:31
21		13:59:40
22		13:59:42
23		13:59:45
24		13:59:47
25		13:59:50

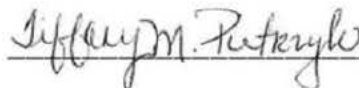
Transcript of Naoki Watanabe, Ph.D., Continued
Conducted on June 27, 2023

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CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Tiffany M. Pietrzyk, CSR RPR CRR, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 27th of June, 2023.



My commission expires:

February 28th, 2024

EXHIBIT 10



Planet Depos®
We Make It Happen™

Transcript of Zhengyu Feng, Ph.D.

Date: August 23, 2023

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

- - - - - x
NIPPON SHINYAKU CO., LTD., :
Plaintiff, :
v. : C.A. No.
SAREPTA THERAPEUTICS, INC., : 21-1015 (GBW)
Defendant. :
- - - - - x
SAREPTA THERAPEUTICS, INC. and :
UNIVERSITY OF WESTERN AUSTRALIA, :
Defendants/ :
Counter-Plaintiffs, :
v. :
NIPPON SHINYAKU CO., LTD. and :
NS PHARMA, INC., :
Plaintiffs/ :
Counter-Defendants. :

- - - - - x
Videotaped Deposition of ZHENGYU FENG, PH.D.
Washington, D.C.
Job No. 504205 Wednesday, August 23, 2023
Pages 1 - 116 9:30 a.m.
Reported by: Karen Young

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

2

1 Videotaped Deposition of ZHENGYU FENG, PH.D.,
2 held at the offices of:

3 FINNEGAN, HENDERSON, FARABOW,
4 GARRETT & DUNNER, LLP
5 901 New York Avenue, Northwest
6 Washington, D.C. 20001
7 (202) 408-4000
8
9
10
11

12 Pursuant to notice, before Karen Young,
13 Notary Public of the District of Columbia.
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Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

3

A P P E A R A N C E S

ON BEHALF OF NIPPON SHINYAKU CO., LTD. and
NS PHARMA, INC.:

AMANDA WILLIAMSON, ESQUIRE

MORGAN LEWIS

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Chicago, Illinois 60606-1511

(312) 324-1450

ON BEHALF OF THE WITNESS:

THATCHER A. RAHMEIER, ESQUIRE

FAEGRE DRINKER BIDDLE & REATH LLP

222 Delaware Avenue, Suite 1410

Wilmington, Delaware 19801

(302) 467-4200

ON BEHALF OF SAREPTA THERAPEUTICS, INC.:

L. SCOTT BURWELL, ESQUIRE

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, LLP

Two Freedom Square

11955 Freedom Drive

Reston, Virginia 20190-5675

(571) 203-2700

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

4

1 ALSO PRESENT:

2 Chris Melton, Videographer
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Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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C O N T E N T S

EXAMINATION OF ZHENGYU FENG, PH.D.	PAGE
By Mr. Burwell.....	9

Transcript of Zhengyu Feng, Ph.D.
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E X H I B I T S

(Attached to Transcript)

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Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

8

P R O C E E D I N G S

09:30:24

THE VIDEOGRAPHER: Here begins Media

09:30:24

Number 1 in the videotaped deposition of Zhengyu

09:30:39

Feng in the matter of Nippon Shinyaku Company,

09:30:43

Limited versus Sarepta Therapeutic, Inc. in the

09:30:45

United States District Court for the District of

09:30:48

Delaware, Case Number 21-1015. Today's date is

09:30:50

August 23rd, 2023. The time on the video monitor

09:30:55

is 9:30 a.m. The videographer today is Chris

09:30:59

Melton, representing Planet Depos. This video

09:31:02

deposition is taking place at 901 New York Avenue,

09:31:05

Northwest, Washington, D.C. 20001. Would counsel

09:31:07

please voice-identify themselves and state whom

09:31:11

they represent.

09:31:14

MR. BURWELL: Scott Burwell from Finnegan

09:31:14

on behalf of defendant and counter-plaintiff,

09:31:17

Sarepta Therapeutics.

09:31:20

MR. RAHMEIER: Thatcher Rahmeier from the

09:31:21

law firm of Faegre Drinker here today representing

09:31:23

the witness, Mr. Feng.

09:31:26

MS. WILLIAMSON: Amanda Williamson from

09:31:28

Morgan Lewis, representing Nippon Shinyaku and NS

09:31:30

Pharma.

09:31:34

THE VIDEOGRAPHER: The court reporter

09:31:35

today is Karen Young, representing Planet Depos.

09:31:36

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

9

1 The witness will now be sworn.

09:31:39

2 ZHENGYU FENG, PH.D.,

09:31:50

3 having been duly sworn, testified as follows:

09:31:50

4 EXAMINATION BY COUNSEL

09:31:50

5 FOR SAREPTA THERAPEUTICS, INC.

09:31:50

6 - - -

09:31:50

7 BY MR. BURWELL:

09:31:51

8 Q Good morning, Mr. Feng.

09:31:51

9 A Good morning.

09:31:55

10 Q Would you please state your full name and
11 address for the record?

09:31:56

09:31:58

12 A Last name, F-E-N-G, first name,

09:32:00

13 Z-H-E-N-G-Y-U. Zhengyu Feng. The address would be
14 my law firm's address or my home address?

09:32:04

09:32:12

15 Q Home address please.

09:32:15

16 [REDACTED]
17 [REDACTED]

09:32:16

09:32:23

18 Q What did you do to prepare for today's
19 deposition?

09:32:28

09:32:31

20 MR. RAHMEIER: And I just caution the
21 witness not to disclose any attorney-client
22 communications.

09:32:32

09:32:34

09:32:37

23 A We had a prep yesterday with these two,
24 and also Dr. Hatcher on video from Morgan Lewis,

09:32:38

09:32:45

25 MS. WILLIAMSON: Oh, Hache.

09:32:57

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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1	A	Hache. Sorry.	09:32:58
2	Q	Was your prep session yesterday in person	09:33:01
3		apart from Dr. Hache?	09:33:05
4	A	Correct.	09:33:07
5	Q	How long was that prep session yesterday?	09:33:08
6	A	We start around 10:00, 10:30 -- around	09:33:16
7		10:00. We finished before 4:00, and we had	09:33:22
8		probably a lunch break about one hour, yeah.	09:33:25
9	Q	Did you review any documents during that	09:33:28
10		prep session?	09:33:30
11	A	I reviewed some of the exhibits basically	09:33:34
12		Amanda provided that was I think in the litigation.	09:33:42
13	Q	And when you mention exhibits, do you	09:33:46
14		know what these exhibits were in support of?	09:33:48
15		MR. RAHMEIER: I'm just going to object	09:33:55
16		to form.	09:33:57
17	A	I cannot give you the precise name of the	09:33:58
18		document, but one -- some of the documents are --	09:34:02
19		include the U.S. patent and the prosecution history	09:34:05
20		of that patent, and I think a few references.	09:34:12
21	Q	Did you review any documents -- I'll	09:34:22
22		withdraw the question. Did you review any internal	09:34:33
23		documents generated by Nippon Shinyaku?	09:34:36
24	A	No.	09:34:40
25	Q	Did you review any laboratory notebooks	09:34:46


Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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1	generated by personnel from Nippon Shinyaku?	09:34:49
2	A No.	09:34:51
3	Q Did you review any slide presentations	09:34:52
4	generated by Nippon Shinyaku?	09:34:54
5	A No.	09:34:56
6	Q Have you ever been deposed before?	09:34:56
7	A No.	09:35:04
8	Q Have you ever -- I understand that you	09:35:05
9	are a practicing attorney, correct?	09:35:10
10	A Correct.	09:35:12
11	Q Have you ever taken a deposition?	09:35:12
12	A Mean in your role.	09:35:15
13	Q Correct.	09:35:18
14	A No.	09:35:19
15	Q Have you ever been present at a	09:35:22
16	deposition before?	09:35:25
17	A No.	09:35:27
18	Q Okay, I will give you a brief overview of	09:35:28
19	the process here. I'm sure your counsel may have	09:35:31
20	explained this as well. I'll be asking you	09:35:35
21	questions, and I'll ask you to provide complete	09:35:37
22	answers to those questions. To the extent that you	09:35:40
23	don't understand any of my questions, please let me	09:35:42
24	know and I'll do my best to rephrase. Is that	09:35:45
25	fair?	09:35:48

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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1	A Fair.	09:35:48
2	Q If -- we'll try to take breaks every hour	09:35:48
3	or so. If you would like a break before an hour is	09:35:54
4	up, please let me know and I'll do my best to	09:35:59
5	accommodate you. I'll just ask that if there's a	09:36:04
6	question pending, that you answer that question	09:36:07
7	before we take a break. Fair enough?	09:36:09
8	A Yeah.	09:36:10
9	Q Is there anything preventing you from	09:36:11
10	giving complete and truthful testimony today?	09:36:13
11	A No.	09:36:15
12	Q Could you give me an overview of your	09:36:16
13	educational background beginning with college?	09:36:20
14	A Okay, I did my undergrad in China. Then	09:36:25
15	came to United States to pursue graduate school.	09:36:31
16	After graduate school, then I pursued law school.	09:36:35
17	Then fortunately, I got a job.	09:36:41
18	MR. BURWELL: I'll ask the court reporter	09:37:02
19	to mark as Feng Exhibit 1 a document that I printed	09:37:03
20	from the Banner Witcoff web site.	09:37:06
21	(Deposition Exhibit Number 1 was marked	09:37:09
22	for identification.)	09:37:09
23	BY MR. BURWELL:	09:37:09
24	Q Mr. Feng, do you recognize this document?	09:37:09
25		09:37:13

Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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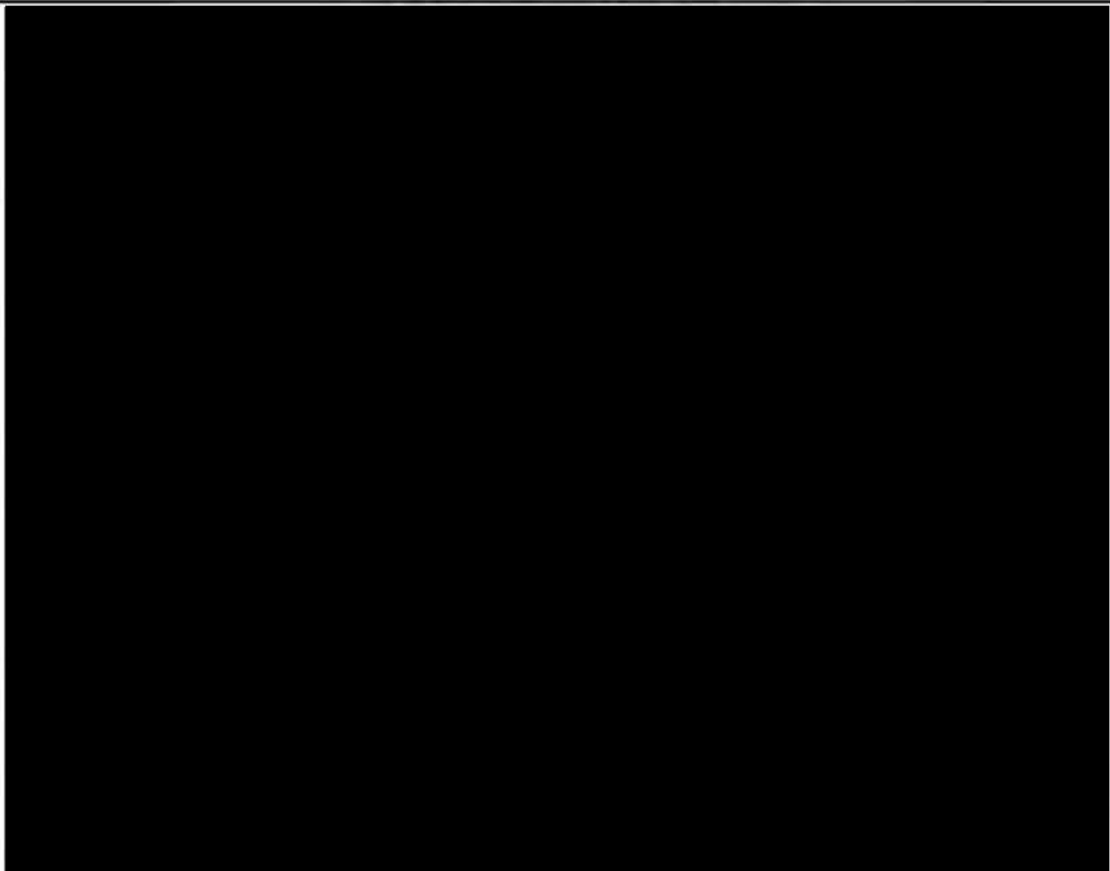
MR. RAHMEIER: And I just caution the
witness not to disclose attorney-client
communications. You can answer at a high level.

09:55:54
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09:56:38
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Transcript of Zhengyu Feng, Ph.D.
Conducted on August 23, 2023

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09:59:04
09:59:08

MR. RAHMEIER: And I'll just give you the
same caution, not to disclose attorney-client
privileged communications, but you can answer
generally.



Transcript of Zhengyu Feng, Ph.D.

Conducted on August 23, 2023

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1		09:59:12
2		09:59:17
3		09:59:19
4		09:59:24
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6		09:59:33
7		09:59:40
8		09:59:46
9		09:59:49
10		09:59:53
11		09:59:59
12		10:00:01
13		10:00:06
14		10:00:10
15		10:00:16
16		10:00:22
17		10:00:27
18		10:00:31
19		10:00:38
20		10:00:43
21		10:00:46
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23		10:00:50
24		10:01:02
25		10:01:05

Transcript of Zhengyu Feng, Ph.D.

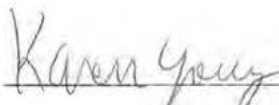
Conducted on August 23, 2023

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Karen Young, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 direction; that reading and signing was requested,
9 and that I am neither counsel for or related to,
10 nor employed by any of the parties to this case and
11 have no interest, financial or otherwise, in its
12 outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 27th day
15 of August, 2023.

16 
17 _____

18 NOTARY PUBLIC IN AND FOR
19 THE DISTRICT OF COLUMBIA

20
21 My commission expires:

22 July 31, 2024
23
24
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